

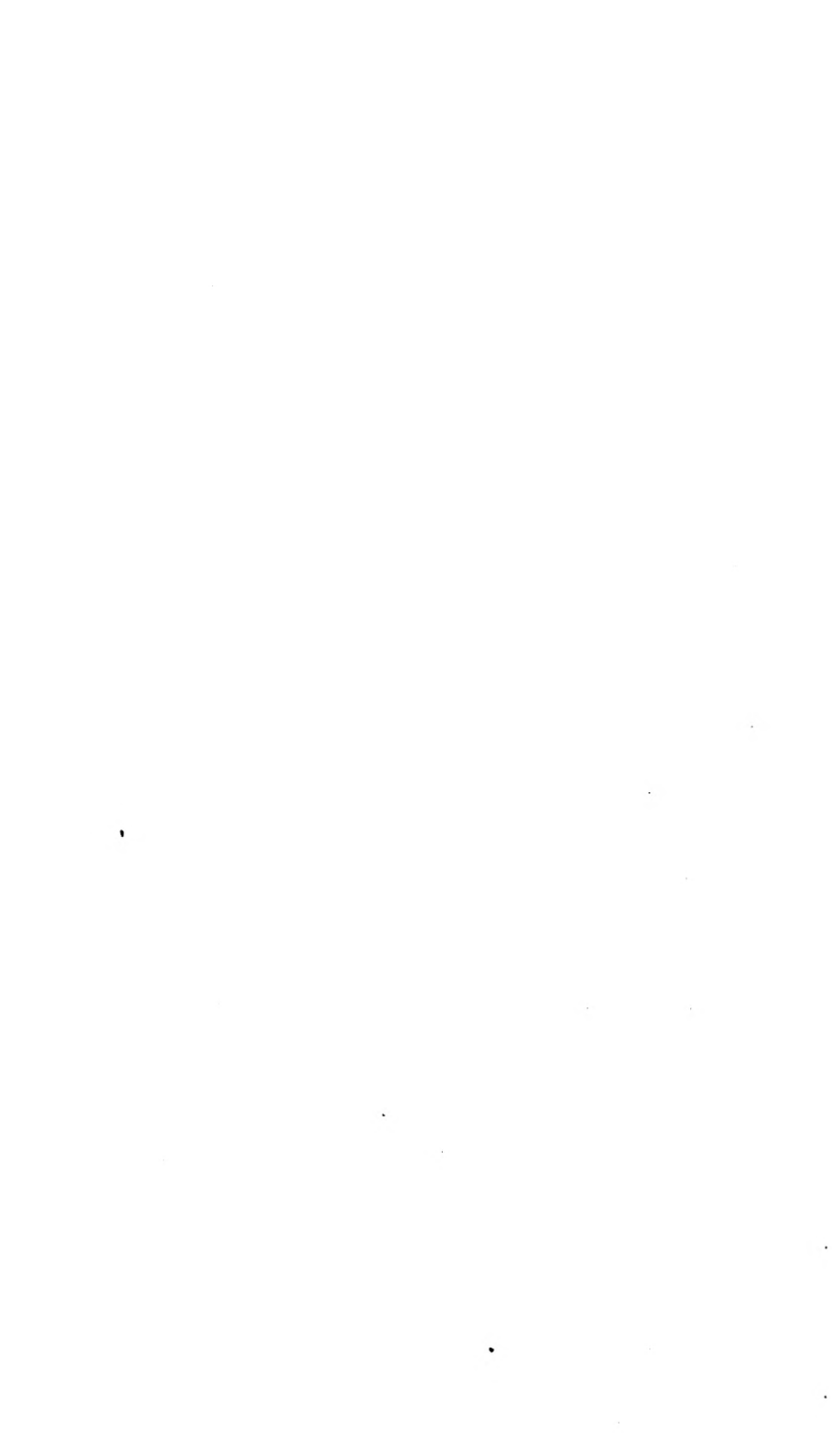
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HISTORY

OF THE

CONGRESSIONAL CEMETERY.

DECEMBER 6, 1906.—Presented by Mr. Burkett and ordered to be printed with illustrations.

To accompany report on H. R. 5972.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1906.

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HISTORY OF THE CONGRESSIONAL CEMETERY.

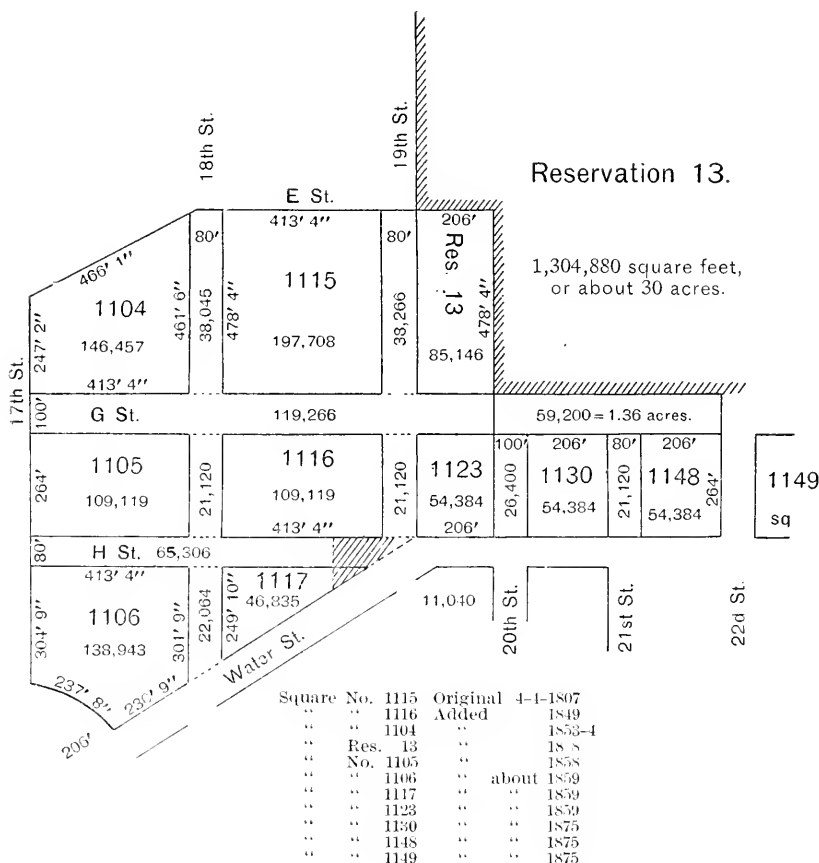
A search has been made of the records and laws pertaining to the Congressional Cemetery, and the facts acquired are hereinafter set forth in two parts, as follows:

Part I gives a history of the origin and growth of the cemetery, the burial sites acquired therein by the Government through donation and purchase, and the appropriations made by Congress for its care, improvement, and repair.

Part II relates to interments made and monuments erected therein by the Government.

An account is also given of the attempts made to effect the present proposed legislation.

The accompanying plat of the cemetery shows the streets and blocks inclosed and also the dates when each block has been acquired.



PART I.

The "Congressional Cemetery" is a burial ground containing about 30 acres lying near the north shore of the Eastern Branch of the Potomac River in Washington, D. C. The tract is irregular and is composed of a number of squares lying east of Seventeenth street and south of E street SE. The institution is the property of the vestry of Christ Church, Washington parish, incorporated, and is known officially on the vestry records as "The Washington Parish Burial Ground."

The official name is rarely used, however, and it has nearly always been called the "Congressional Cemetery." The reason for this will be seen from the recital of facts to follow herein, but briefly stated it is because when the cemetery was first established in 1807 it was chosen by the United States as the place of interment for nearly every member of Congress or executive officer who died while holding office, and the custom was adhered to by the Government for many years afterward.

During the earlier years of holding sessions of Congress in Washington, Christ Church was the place of worship for many men prominent in Government affairs. President Thomas Jefferson attended there. Some of the descendants of President Washington were members of the vestry, and a pew in the church was set aside by the vestrymen for the perpetual use of the President of the United States and his family. Hence it was but natural that the Government should select for the interment of deceased Government officials the burying ground owned by Christ Church. Monuments have been erected therein for nearly 200 members of Congress and other public men. Because of its semiofficial character and the ground owned therein by the Government, Congress from time to time has appropriated money for its care, improvement, and repair.

At one time an attempt was made to have it designated "public ground" of the Government, but the request for such designation was not granted. It has always been popularly called the "Congressional Cemetery."

Private persons established this burial ground April 4, 1807, on what was known as "square No. 1115," a plot of ground containing about $4\frac{1}{2}$ acres and lying between E and G streets and Eighteenth and Nineteenth streets, all southeast. At the original division of the land in Washington between the original proprietors and the Federal Government square 1115 was assigned to the United States, March 8, 1798. It was designated as a cemetery following the abandonment for burial purposes of a plot of ground known as "square 1026," in the northeast part of the city, between H and I and Thirteenth and Fourteenth streets NE., which had been set aside for a graveyard by the Commissioners of Washington, February 28, 1798. Square 1026 was too low and watery. The order of the Commissioners setting it aside is as follows:

WASHINGTON, D. C., *February 28, 1798.*

In consequence of the numerous objections which have been made against burial grounds in other cities, the Commissioners of Washington have laid out

two squares on the borders of the city, viz. squares 109 and 1026, and have directed a portion of each to be well inclosed for public burial grounds for the use of all denominations of people. (Old Records, vol. 4, p. 89.)

Square 109 mentioned in the above order was in the northwest part of the city, between Florida avenue and S and Nineteenth and Twentieth streets, all northwest.

When it was found that square 1026 was undesirable for burial purposes an association was formed by the inhabitants of the eastern part of the city with the object of securing a location more suitable for a cemetery. Square No. 1115 was chosen and purchased from the superintendent of the city, Thomas Monroe. The articles of subscription for the purchase of the new site specified among other things that when the graveyard became free from debt it should be assigned to the vestry of Washington parish. The price of lots was placed at \$2 each, to enable the poor to buy sites. It was also provided that no infidel should be allowed burial therein.

The preamble and articles of subscription to the burial ground are as follows:

WASHINGTON CITY, *April 4, 1807.*

A great inconvenience has long been experienced by the citizens residing in the eastern portion of the city for want of a suitable place for a burying ground. It is well known that the one at the northeast boundary of the city, now occupied as such, is a low and watery situation and very unfit for a place of interment. To remedy this inconvenience, a square of ground west of the marine hospital, being square 1115, hath been purchased from the superintendent of the city for \$200. This piece of ground is thought equal to any that can be had in the city for that purpose.

To raise the purchase money and a sum sufficient to inclose the square with a substantial post and rail fence, we, whose names are hereunto subscribed, do promise to pay such sums as are annexed to our names, respectively, under such conditions as are hereunto prefixed; that is to say:

First. The ground shall be laid off in lots of 3 by 8 feet.

Second. Any person shall be at liberty to subscribe for lots from 1 to 15, at \$2, each, the lots to be transferable.

Third. Any person applying at a future time to purchase shall be admitted at the same rate as the original subscribers.

Fourth. If there should not be a sufficient sum subscribed to carry into effect the object hereby contemplated and any citizen will advance a sufficient sum to complete the same, they shall be reimbursed with interest the sum so advanced out of the first money arising from the proceeds of said ground.

Fifth. When the graveyard, with its improvements, shall be unincumbered of debt, then the subscribers shall assign over all the right and title of the said ground not subscribed for to the vestry of Washington parish, subject to the restrictions of the third article.

Sixth. Immediately after the ground shall be properly inclosed and laid off, a sexton shall be furnished with a plan of the burying ground laid off in lots properly numbered, and each proprietor's name marked on his particular lot. No person shall be permitted to dig a grave but the sexton or his assistant.

Seventh. No person known to deny a belief in the Christian religion shall ever be admitted to a right in this burying ground.

The records of the vestry of Christ Church, from which the above articles were copied, do not show the names of the signers. In Mr. Crew's History of Washington, however, it is stated that among the original signers were Henry Ingle, George Blagden, Griffith Coombe, S. N. Smallwood, Dr. Frederick May, Peter Miller, John T. Frost, and Commodore Thomas Tingey. Most of the above-named persons were then members of the vestry of Christ Church.

May 6, 1807, the subscribers held a meeting and appointed Messrs. Coombe, Blagden, and Ingle as trustees to care for the cemetery, have it platted and inclosed, and provide a sexton. The report of their meeting is as follows.

At a meeting of the subscribers to the burying ground at the east end of the city of Washington, held at the new church near the Navy-Yard, May 6, 1807.

Resolved, That Messrs. Coombe, Blagden, and Ingle be trustees to take the necessary care of and have a plan of the said graveyard laid off, agreeable to the best of their skill and judgment, and to contract for enclosing it in a suitable manner.

Resolved, That Mr. E. Vidler be a person to act as sexton for the said graveyard, whose duty it shall be for himself or his assistant to lay off all the graves and superintend the digging and covering the same, at the rate of \$3 per grave.

Adjourned.

Mr. Henry Ingle was named as agent for the committee to arrange for securing a deed from the superintendent to square No. 1115. The transfer of the property was made March 25, 1808. The deed of the superintendent provided that one-fourth of the square conveyed should be set apart for gratuitous interment of paupers. It provided also, in accordance with the terms of the articles of subscription, that the price of grave sites should not exceed \$2 each.

A copy of the deed from Thomas Munroe, superintendent of the city, to Henry Ingle, as agent, is as follows:

[Liber T, No. 19, folio 219. Recorded March 25, 1808.]

Thomas Munroe, supt., to Henry Ingle, as an agent.

TERRITORY OF COLUMBIA, *City of Washington, set.*

Whereas it appears that the square numbered one thousand and twenty-six, heretofore appropriated for and used as a burial ground, is an ineligible site for that purpose in consequence of its low and wet situation, for which reason a number of the inhabitants of the city have contributed toward the purchase, enclosure, and improvement of a more suitable site, and have nominated Mr. Henry Ingle their agent to purchase and receive a conveyance of such site. These are therefore to certify that the undersigned superintendent of the City of Washington, on the fifteenth day of April last, sold to the said Henry Ingle, for the sum of two hundred dollars, all that square or portion of ground in the City of Washington designated and numbered on the plan of the said city "One thousand one hundred and fifteen" as and for the use and purpose of a burial ground for all denominations of people, subject to the terms and conditions declared by the President of the United States for regulating the materials and manner of buildings and improvements on the lots in the said City of Washington, and subject also to such regulations as the vestry of Washington parish in the Territory of Columbia shall lawfully ordain and establish: *Provided, however*, That such regulations shall appropriate and set apart one-fourth part of the said square hereby sold for the gratuitous interment of those inhabitants who may die without leaving the means of purchasing grave sites, or paying for the privilege of burial therein: *And provided also*, That the price demandable for the said grave sites and privilege of burial shall in no case nor at any time hereafter exceed the sum of two dollars for each corpse, exclusive of the customary expense of digging a grave. And the whole of the purchase money aforesaid being paid and satisfied by the said Henry Ingle to the said superintendent, it is therefore considered the said Henry Ingle, his heirs and assigns, be, and they hereby are, entitled to the said square numbered one thousand one hundred and fifteen in fee simple, for the use and purpose of burial ground, subject to the terms, conditions, regulations, and provisions aforesaid.

Done and certified pursuant to the act of assembly of Maryland, entitled "A farther supplement to the act concerning the Territory and the City of Washington."

Witness my hand the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and eight.

THOMAS MUNROE, *Superintendent.*

During the period from May 6, 1807, to March 30, 1812, the cemetery affairs were in charge of the trustees for the original subscribers. By March 24, 1812, the purpose of freeing the cemetery

from debt had been accomplished, and a meeting was held at which Mr. Ingle reported that the institution was ready to be turned over to the vestry in pursuance of the original plan. The following is a copy of the record of the meeting:

[Book 1, vestry record, p. 106.]

WASHINGTON, *March 24, 1812.*

Committee for the burial ground met agreeable to notice. Present: Messrs. Blagden, Coombe, and Ingle.

Mr. Ingle informed the committee that the sexton had made his returns; that they had been duly entered on the subscription list, and that the funds arising from the sales of the sites had been paid to Mr. Griffith Coombe, as will be seen by the account before the committee, it being just the balance due him on his account, and that the burial ground was now unincumbered of debt. It was therefore

Resolved, That Mr. Ingle be requested to present to the vestry of Washington parish the deed and plan of the burial ground, and list of subscribers thereto; also the proceedings of the committee, with their accounts, etc., and to make the necessary transfer of the ground to the said vestry requesting their acceptance of the same.

The committee then adjourned sine die.

(Test: Signed, John Ingle.)

Following this meeting on March 30, 1812, the committee reported to the vestry showing that the cemetery was free from debt, accompanying the report with the proposed deed and plan of the new burial ground, and the proceedings of the committee with reference thereto. The vestry accepted the deed and plan of the cemetery, and adopted rules and regulations for its conduct such as would conform with the recommendations of the committee and the provisions of the deed of 1807 from the superintendent of Washington. Among other provisions the regulations prohibited the interment of persons of color.

The record of the meeting of March 30, 1812, is as follows:

[Book 1, record of vestry proceedings, p. 93.]

EASTER MONDAY, *March 30, 1812.*

At a meeting of the vestry this day. Present: Rev. A. T. McCormick, James Young, Griffith Coombes, Henry Ingle. Absent: Thomas Tingey, Samuel Elliot, Samuel H. Smallwood, J. Joseph Forest.

The register presented a letter from Mr. Ingle, accompanied with a deed and plan of the new burial ground, the list of subscribers thereto, the proceedings of the committee on the same, and their accounts; also a transfer of the aforesaid deed to the vestry.

Ordered, That the letter be read, which was read as follows:

WASHINGTON, *March 30, 1812.*

"GENTLEMEN OF THE VESTRY OF WASHINGTON PARISH:

"I am requested by the committee who have lately had charge of the new burial ground, being described on the plan of the city of Washington as square No. 1115, to present to you the deed and plan of the burial ground, with the list of subscribers thereto; also the proceedings of the committee, with their accounts, etc., subject to its patent provisions.

"I have also agreeable to request executed a transfer of the said ground to the vestry of Washington parish, all of which I herewith transmit to you, and in behalf of the committee do request your acceptance of the same.

"You will observe by the subscription list that there has been sold — sites, which are accordingly designated as sold on the plan, though some of them have not yet been paid for, the funds arising from those which have been paid for have been expended for the ground and enclosure, as will be seen by the accompanying accounts.

"I am, gentlemen, your most obedient,

HENRY INGLE,

"In behalf of the Committee."

Resolved, That the said burial ground, with the deed, plan, list of subscribers, proceedings, accounts, and transfer of ground, be, and they are hereby, accepted by the vestry.

Resolved, That the burial ground presented to the vestry this day be designated by the name and title of the Washington Parish Burial Ground.

Resolved, That the deed from Thomas Munroe, superintendent, to Henry Ingle, for the Washington Parish Burial Ground, be recorded on the journal, and that the original be filed.

Resolved, That the plan of the burial ground presented to the vestry this day be, and is hereby, declared to be the permanent plan of the Washington Parish Burial Ground, and that it be deposited with the register's papers.

Resolved, That the preamble and articles of subscription to the list of subscribers to the burial ground be recorded on the journal; that the subscribers' names thereto attached with the number of sites to each name, and the number and situation of each site be entered on a book to be provided for that purpose, to be called the register of the Washington Parish Burial Ground, and that the original be filed; and be it further

Resolved, That the name of all future subscribers, with their number of sites, etc., be registered in the said register; also that all transfers of sites be made in said register.

Resolved, That the proceedings of the late committee on the burial ground be recorded on the journal, and that the originals, with the accounts accompanying them, be filed.

Resolved, That the transfer of the burial ground made by Henry Ingle to the vestry be recorded in the land records for the county of Washington. (Recorded 31st March, 1812; original filed.)

First. *Resolved*, That in pursuance of a provision in the deed from Thomas Munroe, superintendent, to Henry Ingle, for square No. 1115, the vestry do appropriate and set apart so much of the said square as lies south of the south fence (being one-fourth part) for gratuitous interments, subject, nevertheless, to the rules and regulations of the vestry.

Second. *Resolved*, That the vestry do confirm and declare to be and continue in force the first, second, and third articles under which the subscribers did subscribe for sites in the burial ground.

Third. *Resolved*, That a sexton be appointed for the burial ground, whose duty it shall be for himself or his assistant to lay off the grave sites and dig and cover the graves at \$3 per grave; that no person but the sexton or his assistant shall be permitted to dig any grave, and that the sexton shall be the only person to whom application must be made for sites; but he shall not receive any person's name as a subscriber nor break the ground of any grave until the grave so subscribed for or to be broken shall have been paid for. He shall make returns to the treasurer half yearly and pay the amount received for sites to him. His returns shall state the number and situation of every site so sold, with the proprietor's name, and be signed by himself, which returns, after being registered, shall be filed.

The vestry then proceeded to elect a sexton, when Elections Middleton was unanimously elected.

Fourth. *Resolved*, That sites Nos. 1, 2, 3, 4, and 5 in I west be, and they are hereby, appropriated and set apart for the exclusive privilege of the burial of Rev. Andrew T. McCormick and his family free of the stated charge for sites.

Fifth. *Resolved*, That no person shall be permitted to take sites in the graveyard in any other than the rows which will be from time to time appropriated for the interment of strangers, etc., unless such person shall take at least three sites.

Sixth. *Resolved*, That the rows for the interment of strangers and others who take less than three sites be for the present so much of A and B east as is not sold.

Resolved, That the treasurer be authorized to have the burial ground ornamented with trees as near as he may think proper to the plan of the said ground.

Resolved, That no person of color shall be permitted to be buried within that part of the burial ground which is now enclosed.

Eighth. *Resolved*, That all graves shall be dugged at least 5 feet 6 inches from the natural surface of the earth to the bottom of such graves.

Ninth. *Resolved*, That no person shall be permitted to enclose their sites in the burial ground with any kind of fence or palisade of wood.

Tenth. *Resolved*. That the sexton be directed to permit no hearse, hack, or other wheeled carriage to enter on the burial grounds on any account whatsoever.

Eleventh. *Resolved*. That the vestry will not consider themselves accountable for any intrusion or irregularity which may happen through mistake amongst the sites, when the sites so intruded upon are not laid off with corner stones or stakes, with at least two plain initials of the proprietor's name on each stone or stake, the said boundary stones or stakes to be set up by the sexton, for which he shall receive a reasonable compensation, to be paid by the proprietor of the sites so laid off and bounded.

A copy of the deed transferring square No. 1115 from Henry Ingle to the vestry, referred to in his letter of March 30, 1812, is as follows:

[Liber A. C., No. 28, folio 245 et seq. Recorded 31st day of March, 1812.]

Henry Ingle to the vestry of Washington parish.

This indenture, made this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and twelve, between Henry Ingle, of the city of Washington and District of Columbia, of the one part, and the Rev'd Andrew F. McCormick, Thomas Tingey, Peter Miller, Samuel Eliot, Griffith Coombe, Samuel N. Smallwood, Joseph Forrest, James Young, and Henry Ingle, the rector and vestry of Washington parish of the county of Washington and District of Columbia, of the other part.

Witnesseth that the said Henry Ingle for and in consideration of the sum of five dollars current money to him, the said Henry Ingle, in hand paid by the said vestry of Washington parish, at and before the sealing and delivery of these presents, the receipt whereof the said Henry Ingle doth hereby acknowledge, hath given, granted, bargained, and sold, aliened, released, enfeoffed, and confirmed, and by these presents doth give, grant, bargain, and sell, alien, release, enfeoff, and confirm unto the said vestry of Washington parish and their successors all that square or portion of ground situate, lying, and being in the said city of Washington, and being known and designated on the plan of the said city as the square numbered one thousand one hundred and fifteen, together with all and singular, the rights, privileges, and appurtenances thereunto belonging or in any wise appertaining. To have and to hold the said square or portion of ground above designated and described, together with all and singular, the rights, privileges, and appurtenances thereunto belonging, unto the said vestry of Washington parish and their successors forever, to and for their sole use and behoof, and to and for no other use, intent, or purpose whatsoever, in as full and ample manner as he, the said Henry Ingle, might or could have had and held the said square or portion of ground, with its appurtenances, under the authority and by virtue of a certain certificate of conveyance made, executed, and delivered to him, the said Henry Ingle, on the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and eight, by Thomas Munroe, superintendent of the city of Washington, and subject to the terms, conditions, and provisions in the said certificate of conveyance specified and contained. And the said Henry Ingle, for himself, his heirs, executors, and administrators, doth covenant and agree to and with the said vestry of Washington parish and their successors that he, the said Henry Ingle, and his heirs, the said square or portion of ground with its appurtenances unto the said vestry of Washington parish and their successors, against him, the said Henry Ingle, and his heirs, and against all and every person or persons whatsoever claiming or to claim the said square or portion of ground, or any part thereof, by, from, or under him or them, shall and will hereafter warrant and forever defend by these presents.

In testimony whereof, the said Henry Ingle hath hereunto set his hand and affixed his seal the day and year first above written.

[SEAL.]

HENRY INGLE.

Signed, sealed, and delivered in the presence of Wm. Brent, Charles Glover, WASHINGTON COUNTY, *District of Columbia, set:*

On this twenty-seventh day of March in the year of our Lord one thousand eight hundred and twelve, before me, the subscribed, an assistant judge of the circuit court for the District aforesaid, personally appeared Henry Ingle, the grantor above named, and acknowledged the above and foregoing deed, indenture or instrument of writing to be his act and deed, according to the true intent and meaning thereof.

B. THURZTON.

In the year 1816, at a meeting of the vestry held April 15, a committee was appointed by the vestry to select 100 burial sites in the cemetery for the interment of members of Congress, to be donated to the United States presumably as an act of courtesy and an expression of good will toward the Government. The committee made the selection, and on April 7, 1817, the 100 sites so selected were reserved "for the interment of members of Congress." Later, on April 3, 1820, the vestry by resolution extended this privilege to heads of Departments of the General Government or their families, or the families of members of Congress.

The record of the vestry containing the proceedings in regard to the above donation of sites is as follows:

[Vestry record No. 1, p. 135.]

WASHINGTON PARISH, *April 15, 1816.*

The vestry met. Present: A. T. McCormick, rector; Thomas Tingey, Griffith Coombe, James Young, Samuel N. Smallwood, and Mordecai Booth.

Resolved, That the committee to whom was referred the sexton's report be instructed to assign 100 sites in the Washington parish burial ground in the most eligible situation as a reservation for the interment of members of Congress, the said sites to be so located as to be as near each other as possible, and that they report their proceedings thereon at the next meeting.

JOHN P. INGLE, *Register.*

[Record No. 1, p. 141.]

WASHINGTON PARISH, *Easter Monday, April 7, 1817.*

The vestry met. Present: The Rev. A. T. McCormick, Griffith Coombe, Thomas Haliday, James Young, Samuel N. Smallwood, and Mordecai Booth.

The committee to whom was referred on the 15th of April last the subject of assigning 100 sites in the burial ground as a reservation for the interment of members of Congress reported that they had accordingly located them as follows:

In F east 36 sites beginning with No. 16 and ending with No. 51. In G east 31 sites beginning with No. 21 and ending with No. 51. In H east 33 sites beginning with No. 19 and ending with No. 51.

[Vestry record No. 1, p. 153.]

APRIL 3, 1820.

Vestry met; quorum present.

Resolved, That upon application to the register he may (if he shall judge proper) grant permission to the sexton to bury on the grave sites located for the interment of members of Congress any of the heads of Departments of the General Government or their families, or the families of members of Congress.

Meanwhile the growth of the cemetery made it advisable that it be inclosed by a wall. The price of grave sites was so low, however, that the money received from their sale was not sufficient to build the wall desired by the authorities. Various measures for raising money to make this improvement were proposed, but nothing could be devised by which the revenues of the cemetery could be increased enough to raise the amount necessary to make the proper inclosure.

It was finally suggested that Congress be asked to make an appropriation for this purpose, and November 23, 1823, a committee was appointed to present the matter to Congress, under the following resolution:

Resolved, That a committee be appointed to prepare and present to Congress in the name of this vestry a respectful memorial asking of that honorable body a reasonable appropriation of money in aid of the means of this parish, to inclose the Washington parish burial ground with a brick wall.

Rev. Mr. Allen, Commodore Tingey, and Captain Smallwood were appointed as said committee.

The sites previously donated to the Government had been located near the northeast corner of the cemetery and the remains of a number of prominent public officials had been interred there, among them being Vice-President Elbridge Gerry, of Massachusetts; Vice-President George Clinton, of New York; Samuel Otis, Secretary of the Senate; Uriah Tracy, United States Senator from Connecticut; Francis Malbone, Senator from Rhode Island, and a number of Representatives. It was considered that because of these interments Congress might favor making an appropriation for the improvement of the cemetery, and as a further inducement to secure this aid on December 15, 1823, 300 more burial sites were set apart in the cemetery in the vicinity of those previously donated for the use of the Government.

The record of this second donation is as follows:

[Vestry record No. 1, p. 189.]

The following proceedings of a meeting of the vestry were omitted to be entered in proper place:

WASHINGTON PARISH, *Monday, December 15, 1823.*

The vestry met. Present: Rev. Mr. Allen, Mr. Sprigg, Mr. Tingey, Mr. Smallwood, Mr. Coombe.

Resolved, That the following sites in the Washington Parish Burial Ground be set apart (in addition to those already reserved for that purpose) for the interment of members of Congress and others connected with the General Government, subject nevertheless to all the regulations for the government of the said burial ground, viz:

	Sites.
Nos. 1 to 4, inclusive, in range A east-----	4
Nos. 1 to 8, inclusive, in range B east-----	8
Nos. 9 to 15, inclusive, in range F east-----	7
Nos. 52 to 74, inclusive, in range F east-----	23
Nos. 9 to 17, inclusive, in range G east-----	9
Nos. 52 to 74, inclusive, in range G east-----	23
Nos. 6 to 8, inclusive, in range H east-----	3
Nos. 52 to 74, inclusive, in range H east-----	23
Nos. 103 to 152, inclusive, in range A west-----	50
Nos. 103 to 152, inclusive, in range B west-----	50
Nos. 103 to 152, inclusive, in range C west-----	50
Nos. 103 to 152, inclusive, in range D west-----	50
Total -----	300

Adjourned.

J. P. INGLE, *Register*.

Following the donation to the United States of the above-described burial ground, through the efforts of the committee an appropriation of \$2,000 was secured from Congress to aid in building a brick wall around the cemetery, the statute providing that the vestry should execute a bond for \$4,000 conditioned on the faithful application of the money and for securing to the United States the 400 sites reserved in said burial ground. The statute reads as follows (6 Stat. L., 294):

AN ACT For enclosing the burial ground of Christ Church, Washington Parish.

Be it enacted, etc., That the Secretary of the Treasury be and he is hereby authorized to cause to be paid to the vestry of Christ Church, Washington parish, in the city of Washington, the sum of two thousand dollars, out of any money in the Treasury not otherwise appropriated, for the purpose of aiding in the erection of a substantial wall around the burial ground of said parish: *Provided*, That the said vestry shall execute a bond to the United States, to be approved by the Secretary of the Treasury, and deposited in his Department,

conditioned in the penalty of four thousand dollars, for the faithful application of the money and execution of the work, and securing to the United States the four hundred sites reserved in said burial ground, for the interment of members of Congress, and others, connected with the General Government.

The vestry duly executed the bond required by the above act, as the following record of the vestry for May 11, 1824, shows:

[Record 1, p. 191.]

WASHINGTON PARISH, *Tuesday, May 11, 1824.*

The vestry met. Present: Rev. Mr. Allen, Mr. Coombe, Mr. Martin, Mr. Tingey, and Mr. Henderson.

Mr. Allen, from the committee appointed on the 24th November last to present a memorial to Congress, etc., laid before the vestry the following act of Congress passed in consequence of said memorial:

[Copy of the act of May 4, 1824, is then set forth.]

It was then resolved by the vestry that a bond be executed according to the foregoing act, and that the treasurer be authorized to deliver it to the Secretary of the Treasury and receive the money thereby appropriated.

A bond, of which the following is a copy, was then drawn and executed:

Know all men by these presents, that we, the vestry of (Christ Church) Washington parish, in the City of Washington, are held and firmly bound to the United States in the just and full sum of four thousand dollars, for the payment of which we bind ourselves and our successors in office by these presents.

Signed by our hands and sealed with the common seal of the vestry aforesaid this 12th day of May, 1824.

Whereas the Congress of the United States have by their act approved the fourth day of the present month appropriated the sum of two thousand dollars, to be paid to the vestry of Christ Church, Washington parish, to aid in the erection of a substantial wall around the burial ground of said parish; therefore the condition of the above obligation is such that the vestry aforesaid shall faithfully apply the said sum of two thousand dollars this day received of the Secretary of the Treasury of the United States to that purpose, and shall execute and fully complete the said wall, and shall secure to the United States the four hundred sites reserved in said burial ground for the interment of members of Congress and others connected with the General Government, then this obligation to be void, otherwise to remain in full force and virtue.

ERIAN ALLEN, *Rector.*
GRIFFITH COOMBE, *Vestryman.*
JAMES MARTIN, *Vestryman.*
ARCHIBALD HENDERSON, *Vestryman.*
EDW. L. LEWIS, *Vestryman.*
SAM. N. SMALLWOOD, *Vestryman.*
BEN SPRIGG, *Vestryman.*
THOMAS TINGEY, *Vestryman.*
JOHNATHAN PROUT, *Vestryman.*

[SEAL.]

JOHN P. INGLE, *Reg'r.*

The bond thus executed was duly approved, and is now on file in the Treasury Department according to their records.

The money thus appropriated for building the wall was used for that purpose and the wall completed during the year 1824, as shown by the following copy of proceedings of the vestry:

[Vestry record No. 1, p. 191.]

Vestry meeting May 11, 1824.

Resolved, That Mr. Allen, Mr. Smallwood, Mr. Tingey, and Mr. Ingle be appointed a committee to cause to be erected around the Washington Parish Burial Ground a substantial brick wall after such plan as they may determine on, and that the treasurer pay the orders of the said committee, not exceeding in the whole \$2,000.

Adjourned.

JOHN P. INGLE, *Register.*

[Vestry record No. 1, January 8, 1825.]

Pursuant to adjournment the vestry met. Present: The rector and all the vestrymen except Mr. Lewis.

Mr. Ingle, from the committee appointed on the 11th of May last to cause a wall to be erected around the Washington Parish Burial Ground, submitted a report stating that the work was completed, and that the whole expense thereof was \$2,126.47, when it was resolved that the report be accepted and that the sum of \$126.47 be appropriated in addition to the amount appropriated on the 11th day of May for the purpose of paying the expense thereof, payable out of any funds arising from the sale of grave sites.

The rate of burials in the cemetery increased constantly after its inclosure, and the time of the keeper was employed almost constantly in taking care of the graves and grounds. By the year 1831 conditions seemed to warrant the erection of a keeper's house at the cemetery, but as the funds were low on January 5 the vestry appointed a committee to make application to Congress for an appropriation to aid the vestry in building a house for the keeper and otherwise improving the cemetery.

May 31, 1832, Congress made the desired appropriation in the sum of \$1,500, to be expended under the direction of the commissioner of public buildings, to aid in the erection of the keeper's house, planting trees, placing boundary stones, and adding other betterments. The act reads as follows:

[4 Stat. L., 520.]

AN ACT To aid the vestry of Washington parish in the erection of a keeper's house, and the improvement and security of the ground allotted for the interment of members of Congress and for other public officers.

Be it enacted, etc., That the sum of one thousand five hundred dollars be, and the same is hereby appropriated, out of money in the Treasury not otherwise appropriated, to be expended under the direction of the commissioner of public buildings, for the purpose of aiding the vestry of Washington parish in the erection of a keeper's house, for planting trees, boundary stones, and otherwise improving the burial ground allotted to the interment of members of Congress and other officers of the General Government.

May 26, 1832, at a meeting of the vestry a committee was appointed to perfect plans for building a house for the keeper. Thanks were also given to Congress for the appropriation made and to certain individual members for their efforts in securing the passage of the bill. The record of the proceedings of the vestry thereon is as follows:

[Vestry record No. 1, May 26, 1832.]

The vestry met this day. Present: Rev. F. W. Hatch, Jonathan Prout, James Tucker, William Marten, and John P. Ingle, vestrymen.

The register communicated to the vestry the information of the passage of an act by Congress of the United States appropriating the sum of \$1,500 to aid the vestry in erecting a keeper's house at the Washington parish grounds, and in otherwise improving the said grounds. It was thereupon unanimously resolved that the thanks of the vestry to Congress for this liberal aid, and especially to the Hon. George C. Washington, of the House of Representatives, and the Hon. Ezekiel Chambers, of the Senate, chairmen of the respective committees, for their generous efforts in obtaining the passage of the bill, be recorded on the journal of the vestry.

Resolved, That Griffith Coombe, Jonathan Prout, and John P. Ingle be appointed a committee to contract for and superintend the erection of a keeper's house at the Washington Parish Burial Ground and the further improvement of the said ground.

Adjourned.

JOHN P. INGLE, *Register*.

The northwest corner of the cemetery, at Eighteenth and E streets, was chosen as a site for the keeper's house and it was built there in accordance with the terms of the appropriation of \$1,500, which sum was paid over by the commissioner of public buildings to Griffith Coombe, December 31, 1832.

By this time about forty burials of deceased Government officials had been made in the cemetery, by order of the Government, and it was generally recognized as the official burying ground of Congress. Only an occasional burial in Washington of a deceased official was made in another cemetery, and these were afterwards removed and placed in the "Congressional Cemetery." Through lack of funds the vestry authorities had not been able to build a receiving vault, and as one was desired by Congress for use at interments of members, on July 14, 1832, an appropriation of \$1,000 was made to supply this convenience—the money to be expended under the direction of the commissioner of public buildings. The statute is an item in the supplementary act making appropriations for civil and military service and reads as follows:

For the construction, under the superintendence of the commissioner of public buildings, of a substantial brick or stone vault in the Washington Parish Burial Ground, for the temporary interment of members of Congress, \$1,000. (4 Stat. L., 581.)

The money thus appropriated not being sufficient for completing the vault, Congress appropriated \$1,600 more on March 2, 1833 (4 Stat. L., 650): "For completing the public vault and railing thereon."

And June 30, 1834 (4 Stat. L., 722), \$193.89 was appropriated "For the actual deficiency in the appropriation made during the last year for the enclosure of the public vault and the improvement of the public burying ground."

From the records of the commissioner of public buildings, it appears that the above sums were expended under his direction, in accordance with the statute.

The ground on which the vault thus provided for was erected was near the center of the cemetery, and was designated on the plat thereof as Nos. 116 to 125, inclusive, in ranges E, F, G, and H west, making a plat of ground about 30 by 36 feet. The vestry ordered walks 3 feet wide laid out on each side of the ground thus appropriated in lieu of the walk closed by the building of the vault. Its use for receiving the remains of members of Congress was of course declared to be free, a charge of \$5 being made to others desiring to place bodies therein. Of this charge the sexton retained \$1.50 for his services, and the balance was directed to be paid over to the vestry "to be expended in the improvement of the grounds and in keeping the same in order."

The brick wall erected in 1824 had been damaged by the action of water after heavy rains, and in some places had been carried entirely away. Other slight damages had been occasioned in the same way, and to repair these defects, June 30, 1834, Congress appropriated \$1,966 for the following purpose, as shown by the statute (4 Stat. L., 722): "For rebuilding the wall and constructing a culvert and drain at the burying ground," and to complete this repairing a further appropriation of \$600 was made March 3, 1835. (4 Stat. L., 770.)

Both of these appropriations were expended by the commissioner of public buildings in accordance with the statute.

Thereafter for ten years the vestry asked no further appropriations from Congress for the benefit of the cemetery and none was made. Interments continued steadily, in both Government and private sites. Each succeeding year the need of additional ground for the cemetery became more apparent, and in 1843 the cemetery authorities began taking steps to acquire it.

December 18, 1843, a meeting of the vestry was held and a committee was appointed to secure the passage of a law allowing the cemetery to enlarge its boundaries. East of square No. 1115 the Government owned a large tract of land described as reservation No. 13, otherwise known as "Hospital square," because the marine hospital stood thereon, and the committee was directed to purchase a part of this tract, in case the necessary legislation could be had.

A memorial was presented to Congress by the committee asking that a law be passed permitting the addition of more ground and the use of streets between the ground they might acquire, and during the year 1843 the committee endeavored to secure the passage of a bill that would permit such action by the vestry of Washington parish. Congress adjourned without passing the proposed bill and thereafter attempts to secure such legislation were made at three succeeding sessions of Congress, all without obtaining the end desired.

Meanwhile Congress had made other appropriations for the benefit of the cemetery, and had expended \$1,500 in grading and graveling the road leading from the Capitol to the cemetery. Unusually heavy rains had thrown down about 100 feet of the west wall and 75 feet of the south wall of the cemetery, had washed the roads badly, and had done other damage in the lower parts of the yard. To repair these damages and to grade the road leading from the Capitol to the cemetery, on August 10, 1846, appropriations were made as follows:

For repairs to Congressional Burial Ground, rendered necessary by the late freshet, \$500.00.

For repairs to the road leading from the Capitol square to the congressional burial ground, rendered necessary by the late heavy rains, to be expended under direction of the commissioner of public buildings, \$1,500. (9 Stat. L., 93.)

The journal of the commissioner of public buildings of 1846 shows that on October 16, 1846, \$500 was paid to John P. Ingle for repairs, etc., and that the other \$1,500 was expended during October, 1846, for repairs under the direction of the commissioner.

In 1847 for the fourth time the memorial to Congress was renewed asking for legislation upon the subject of an enlargement of the Washington Parish Burial Ground, and the matter was presented by a committee composed of General Henderson, Captain Cunningham, and John P. Ingle. Action on the bill was first secured in the Senate, where it was passed. Pending the action of the House thereon, the vestry, on June 21, 1848, adopted a resolution by the terms of which the vestry agreed to give to the United States the privilege of buying one-fourth part of the said burial ground if desired within two years after the passage of the bill at the same rates paid for sites by private persons, the United States not to be held subject to any part of the expense of putting up or keeping up the incidental expenses of the burial ground. This provision was incorporated in the bill before

it passed, with the exception of the two-year limitation as to the time of purchase, which was stricken out.

The resolution of the vestry is as follows:

Whereas a bill has been passed by the Senate of the United States and is now pending before the House of Representatives, entitled "A bill to authorize the sale of a part of public reservation No. 13 in the City of Washington, and for other purposes," the object of which is the extension of the Washington Parish Burial Ground; and whereas it may be desirable that the United States shall have a right to purchase a portion of said burial ground when it may be enlarged, it is therefore resolved by the vestry of Washington parish that the Congress of the United States shall at any time within two years after the final passage of the said bill have a right to purchase any part of the said burial ground, not exceeding one-fourth part thereof, which may at the time remain unsold, at the same rate which private individuals purchase, and the whole purchase money which the United States may pay for said ground shall be applied to the inclosing and graduating of the said burial ground.

According to the records of the commissioner of public buildings, reservation No. 13 above referred to—

was one of the original appropriations which, together with the streets, were reserved by President Washington's order for the use of the United States forever. In his order, which was dated March 2, 1797, reservation No. 13 is described as follows:

"Thirteenth. The appropriation bounded on the north by the south side of south B street, on the west by the east side of Seventeenth street east, the south by the north side of south G street, and on the east by the Eastern Branch or Annapostia River."

In the record book containing a copy of the said order reservation or appropriation 13 is called "The Hospital square," and is stated to contain 77 acres, 0 roads, 26 porches.

The bill allowing the enlargement of the cemetery became a law July 25, 1848, and gave to the United States the right to purchase part of the cemetery if desired, in accordance with the vestry proceedings of June 21, above set forth. The bill also authorized the commissioner of public buildings to sell to the vestry such part of reservation No. 13 as the War and Navy Departments deemed it proper to sell; the vestry was further given authority to inclose, possess, and occupy the street between reservation No. 13 and the cemetery, and also, with the consent of the corporation of Washington, to "inclose, possess, and occupy so much of any street or streets as might pass between the original plot of square No. 1115 and any other whole square of ground of which the vestry might become possessor," limiting the size of the cemetery to 30 acres.

The act reads as follows:

[9 Stat. L., 250, July 25, 1848.]

AN ACT TO authorize the sale of a part of public reservation numbered thirteen, in the city of Washington, and for other purposes.

Be it enacted, etc., That the commissioner of public buildings in the city of Washington be, and he is hereby authorized to sell to the vestry of Washington parish such portion of the public reservation of land in the city of Washington numbered thirteen, called the Hospital square, as the said vestry may desire to purchase, for the purpose of enlarging the Washington parish burial ground, not exceeding six acres: *Provided*, The Secretary of War and the Secretary of the Navy shall be of the opinion that the said land can be sold without injury to the public service; and, upon payment being made to the said commissioner for the said land, at the same price per acre which the United States received for the adjoining square of ground numbered eleven hundred and fifteen he shall execute a conveyance therefor to the said vestry, in the same manner as he now conveys public lands when sold.

Sec. 2. *And be it further enacted*, That the vestry of Washington parish shall have authority to enclose, possess, and occupy so much of Nineteenth street east as passes between square numbered eleven hundred and fifteen in the city of Washington (the present burial ground) and the land proposed by the first section of this act to be sold; and also, with the consent of the corporate authority of the city of Washington, the said vestry may enclose, possess, and occupy so much of any street or streets, as may pass between the said square numbered eleven hundred and fifteen, and any other whole square of ground of which it may become the possessor, for the sole purpose of enlarging the said burial ground.

Sec. 3. *And be it further enacted*, That the vestry of Washington parish shall have power to hold and enjoy forever any land which it may purchase or possess for the extension of the Washington parish burial ground: *Provided*, The whole quantity shall not exceed thirty acres, anything in any former act to the contrary notwithstanding; and the said vestry may, from time to time, sell or otherwise dispose of the said ground for the purposes of burial.

Sec. 4. *And be it further enacted*, That the Government of the United States shall be entitled to purchase from the said vestry, and to occupy as a burial ground for Members of Congress and such other members of the United States Government as the President shall deem expedient and proper to allow, a portion of the land hereinbefore authorized to be sold, not exceeding one-fourth part thereof, and which portion shall be laid out in some compact form and at such place as the Secretaries aforesaid shall select: *Provided*, That the ground so authorized to be purchased and used by the Government shall be paid for from time to time as it is actually used, at the price demanded by the vestry, for grave sites in other parts of the same ground: *And provided also*, That this reservation of the right to purchase to the extent aforesaid shall not be held to subject the United States to any part of the expense of putting up or keeping up the enclosures of the said burying ground, or other expenses incident thereto.

At a meeting of the vestry July 24 (after the passage of the above act, but before the bill was signed), the committee reported to the vestry that the act had passed, and the vestry thereupon accepted its provisions and appointed a committee to confer with the War and Navy Departments to secure their consent to sell part of reservation No. 13 to the cemetery.

The acceptance by the vestry of the provisions of the statute of July 25, 1848, is as follows:

[Record No. 1, July 24, 1848.]

A special meeting of the vestry was held this day.

Present: James Tucker, R. B. Cunningham, Jonathan Prout, Anthony Addison, Henry Naylor, Arch. Henderson, and John P. Ingle, vestrymen.

The committee appointed on the 18th of December last "to renew the memorial heretofore presented to Congress upon the subject of an enlargement of the Washington parish burial ground" reported that an act had been passed by Congress in relation thereto, of which the following is a copy:

[Act of July 25, 1848, set forth in full.]

It was thereupon resolved by the vestry that the aforesaid act of Congress be accepted, and that the same committee be authorized to ascertain according to the provisions of the said act what portion of the grounds therein mentioned may be purchased by the vestry, and make report thereon.

Adjourned.

JOHN P. INGLE, *Register*.

The committee on purchasing more ground reported on October 10, 1848, that the Secretary of War and Secretary of the Navy had given an opinion under the Statute of 1848 as to the sale of a portion of reservation No. 13 to the vestry, and that under the terms of their decision the vestry would be able to acquire about 2½ acres of reservation adjoining square No. 1115 on the east. The register was directed to make the purchase thus allowed, and was also directed

to buy square No. 1116, which joined square No. 1115 on the south, if possible to buy it for \$500. He was further authorized to buy such additional ground as he deemed expedient.

The proceedings of the vestry in regard to the proposed purchases are as follows:

[Vestry record No. 1, October 10, 1848.]

A special meeting of the vestry held this day. Present: Anthony Addison, James Tucker, Jonathan Prout, Arch Henderson, R. B. Cunningham, and John P. Ingle, vestrymen.

The register laid before the vestry a copy of the decision of the Secretary of War and Secretary of the Navy, made under the act of Congress entitled "An act to authorize the sale of a part of public reservation No. 13, in the city of Washington, and for other purposes," showing that about $2\frac{1}{2}$ acres of the said reservation of land may be sold to this vestry for the extension of the Washington Parish Burial Ground. The register was thereupon ordered to purchase said piece of land.

The register was also authorized to purchase square No. 1116 for the enlargement of the said burial ground, provided it can be bought for \$500.

Ordered, That the register be authorized to purchase such lots or squares of ground for the future extension of the Washington Parish Burial Ground as he may deem expedient, provided they can be obtained at or near the rate at which they are now assessed for taxation by the corporation of Washington.

Adjourned.

JOHN P. INGLE, *Register*.

A copy of the opinion rendered by the Secretary of War and Secretary of the Navy is as follows:

The undersigned, the Secretary of War and the Secretary of the Navy, are of the opinion that the part of public reservation No. 13, in the City of Washington, designated on the plat hereto annexed as lying within the lines A, E, F, D—that is to say, beginning for said part at the southwestern corner of said reservation and running thence with the southern boundary thereof 206 feet; thence north 478 feet and 4 inches; thence west to the western boundary of said reservation 206 feet; and thence south, with said western boundary 478 feet and 4 inches, to the place of beginning. May be sold without injury to the public service, in conformity with the act approved July 25, 1848, "to authorize the sale of a part of reservation No. 13 in the city of Washington, and for other purposes."

W. L. MARCEY,
Secretary of War.

J. G. MASON,
Secretary of the Navy.

WASHINGTON, *September 29, 1848.*

The ground thus described and allowed to be sold contained about $2\frac{1}{2}$ acres.

Under the authority given to him to buy additional ground the register first purchased the whole of square No. 1116, a tract of about $2\frac{1}{2}$ acres (exclusive of the portion of G street between), lying south of square No. 1115 and bounded by G street on the north, Nineteenth street on the east, H street on the south, and Eighteenth street on the west. The consent of the authorities of the corporation of Washington was secured to inclose and occupy G street from Eighteenth to Nineteenth, between the two squares of ground, in accordance with the act of July 25, 1848. The following is a copy of the vestry proceedings and the act passed by the city of Washington, to wit:

[Record No. 1, April 2, 1894.]

A special meeting of the vestry was held this day. Present: Rev. Wm. Hodges, rector; Henry Naylor, James Tucker, Jonathan Prout, Anthony Addison, and John P. Ingle, vestrymen.

The register informed the vestry that he had at length succeeded in purchasing the whole of square No. 1116 in the city of Washington, under the authority given to him on the 10th of October last, and also other lots of ground in the vicinity of the burial ground, a particular report of which he would make to the vestry hereafter. The register also submitted a plat showing the manner in which he proposed to lay out square 1116 into burial sites as a part of the Washington parish burial ground. The vestry approved and adopted the plan proposed, and the register was authorized to have the said square and intervening street inclosed and improved as he may think best.

The following is a copy of the act of the corporation of the city of Washington, authorizing the vestry to inclose, possess, and occupy so much of G street south as passes between squares Nos. 1115 and 1116:

"Whereas by an act of the Congress of the United States approved on the 25th day of July, 1848, entitled 'An act to authorize the sale of a part of the public reservation numbered 13 in the city of Washington, and for other purposes' the vestry of Washington parish is authorized 'with the consent of the corporate authority of the city of Washington' to enclose, possess, and occupy so much of any street as may pass between square No. 1115 (the present public burial ground) and any other whole square of ground of which the said vestry may become the possessor for the sole purpose of enlarging the said burial ground; and whereas the said vestry has purchased all of square numbered 1116, except lot No. 14, the title to which lot can not be obtained at the present time, and have applied to this corporation to pass an act to authorize the said vestry to enclose, possess, and occupy so much of G street south as lies between square No. 1115 and square No. 1116, so soon as it shall become the possessor of the whole of said square numbered 1116: Therefore,

Be it enacted, etc., That the consent of this corporation be, and it is hereby, given to the vestry of Washington parish to enclose, possess, and occupy so much of G street south as lies between square numbered 1115 and square numbered 1116; the said part of street to be used only according to the conditions of the act of Congress hereinbefore mentioned.

"Approved, November 30, 1848."

Adjourned.

JOHN P. INGLE, *Register*.

Square No. 1116 and G street between squares 1115 and 1116 were then platted and laid out for burial sites and used for cemetery purposes thereafter.

On July 19, 1852, as the vestry company wished to still further enlarge the grounds, the money derived from the sale of burial sites was set apart for the purpose of adding to and improving the cemetery, as shown by the following vestry record:

[Record No. 1, July 19, 1852.]

An adjourned meeting of the vestry was held this day. Present: Rev. William Hodges, rector; James Tucker, William Richards, Jonathan Prout, Henry Naylor, Arch. Henderson, John P. Ingle, vestrymen.

The following preamble and resolution were considered and adopted:

Whereas the increased demand for burial sites in the Washington Cemetery and other causes make it important that the cemetery should be again enlarged; and whereas the vestry has authorized the treasurer to contract for and purchase ground for this object; therefore be it

Resolved, That any money derived from the sale of burial sites in said cemetery be, and hereby is, pledged and set apart to meet any engagements **which the treasurer may enter into for the purpose of extending and enclosing the said cemetery.**

Adjourned.

JOHN P. INGLE, *Register*.

Under this provision, square No. 1104, joining square 1115 on the west and containing about $3\frac{1}{2}$ acres, was acquired by the vestry and the consent of the corporation of Washington secured for the vestry to inclose, possess, and occupy Eighteenth street between squares 1115 and 1104. This gave up to the cemetery Eighteenth street, between

E and G streets SE., and the boundaries were formally extended to include the new square and the street thus given up. The vestry proceedings with regard thereto and the copy of the act passed by the City of Washington giving up Eighteenth street, between E and G streets SE., are as follows:

[Record No. 1, October 8, 1853.]

A special meeting of the vestry was held this day. Present: Rev. William Hodges, rector; William Richards, Henry Naylor, Jonathan Prout, John M. Roberts, Hugh McCormick, S. A. H. McKim, and John P. Ingle, vestrymen.

The register informed the vestry that the corporation of Washington had, under authority of Congress, passed an act to authorize the vestry to enclose and incorporate a part of Eighteenth street east in the Washington Cemetery, of which act the following is a copy:

"AN ACT Authorizing the vestry of Washington parish to enclose, possess, and occupy a portion of Eighteenth street east.

"Whereas, by an act of the Congress of the United States, approved on the 25th day of July, in the year 1848, entitled 'An act to authorize the sale of a part of the public reservation numbered 13 and for other purposes,' the vestry of Washington parish is authorized, with the consent of the corporate authority of the City of Washington, to enclose, possess, and occupy so much of any street as may pass between square 1115 (the present burial ground), and any other whole square of ground of which the said vestry may become the possessor for the sole purpose of enlarging the said burial ground:

"And whereas the said vestry has purchased the whole of square 1104, and has applied to this corporation to pass an act to authorize the said vestry to enclose, possess, and occupy so much of Eighteenth street east as lies between square No. 1115 and square No. 1104: therefore

"*Be it enacted*, That the consent of this corporation be, and is hereby, given to the vestry of Washington parish to enclose, possess, and occupy so much of Eighteenth street east as lies between square No. 1115 and square No. 1104, the said part of said street to be used only according to the conditions of the act hereinbefore mentioned.

"Approved May 28, 1853."

Resolved, That the Washington Cemetery be now extended so as to embrace the whole of square No. 1104 and that part of Eighteenth street east which lies between it and square No. 1115; and that Mr. Prout, Mr. Richards, Mr. McCormick, and Mr. Ingle be a committee to prepare a plan for the same, and to cause the ground to be enclosed and improved.

Adjourned.

JOHN P. INGLE, *Register*.

The following table exhibits the original arrangement and lettering of the sites in the cemetery up to the time of the second enlargement thereof (in the year 1853-54). And also the numbering of the same ranges as adopted by the vestry on the 8th of May, 1854, as made necessary by the said enlargement.

[Record No. 1, May 8, 1854.]

East:

Old arrangement: Letters.—A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R.

New arrangement: Figures.—24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40.

West:

Old arrangement.—A, B, C, D, E, F, G, H, I, K, L, M, N, O, P, Q, R.

New arrangement.—57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41.

The north boundary of the cemetery now extended from Seventeenth and Georgia avenue east to Eighteenth and E, and east on E street to Nineteenth. The vestry was anxious to erect an iron fence along this line, but funds were not available for that purpose, and steps were taken to secure the necessary amount from the Government in exchange for additional burial sites in the cemetery. General Henderson and John P. Ingle had been appointed a committee in the

matter February 4, 1850, but had made no progress thus far. December 18, 1854, the same gentlemen were reappointed (vestry record No. 1)—

To apply to Congress to purchase a number of burial sites in the Washington Cemetery, upon condition that the purchase money should be applied to the erection of an iron fence on the north front of the cemetery.

The committee thus appointed presented a memorial to Congress asking that an appropriation be made to build the fence in exchange for burial sites, but no bill was passed. February 4, 1856, according to the vestry record, the same committee was requested to renew the application to Congress for the passage of the appropriation. As a result of this application Congress appropriated \$5,000 on August 18, 1856 (11 Stat. L., 88), as follows:

To enable the Secretary of the Interior to purchase five hundred burial lots in the Congressional burying ground, a sum not exceeding five thousand dollars: *Provided*, That the same be expended in the construction of an iron fence on the north side of said burial grounds.

As soon as this sum was secured the committee was authorized to effect the sale and to procure plans and estimates of cost of a suitable fence. John P. Ingle register for the vestry, and Dr. John B. Blake, commissioner of public buildings acting for the Secretary of the Interior, went to the cemetery and selected the location of the sites for the Government, November 7, 1856. Three hundred and sixty of the lots were in ranges 58, 59, and 60—120 in each range, and were just east of the lot line on Eighteenth street between E and G. The other 140 were just west of the lot line of the same portion of E street, in ranges 61 and 62—70 lots in each range.

Twelve additional lots in each of ranges Nos. 61 and 62 were also secured by Doctor Blake in exchange for some sites used by the Government in the northwest corner of square No. 1116, in ranges 54, 55, 56, and 57, being numbers 165 to 170, inclusive, in each range. It will be seen by reference to the description of the sites heretofore donated to the Government by the cemetery that they were all in square 1115. The cemetery authorities, however, had placed on the sites in square 1116 eight monuments to deceased Members of Congress whose remains were interred elsewhere. It was arranged to have these removed to some other part of the cemetery. It is apparent that the 24 sites selected by Doctor Blake in ranges 61 and 62 were acquired in exchange for sites in square 1116 that the Government did not own.

November 8, 1856. Mr. Ingle wrote to Doctor Blake with reference to the selection of sites, as follows:

WASHINGTON, November 8, 1856.

DEAR SIR: Annexed you will find a list of the burial lots in the Washington Cemetery, commonly called the Congressional burying ground, which you yesterday selected for the Government of the United States under the act of Congress entitled "An act making appropriation for certain civil expenses of the Government for the year ending 30th June, 1857," approved 18th August, 1856.

	Lots.
Lots Nos. 31 to 98 and Nos. 101 to 152, inclusive, in range No. 58, being----	120
Lots Nos. 31 to 98 and Nos. 101 to 152, inclusive, in range No. 59, being----	120
Lots Nos. 31 to 98 and Nos. 101 to 152, inclusive, in range No. 60, being----	120
Lots Nos. 66 to 98 and Nos. 116 to 152, inclusive, in range No. 61, being----	70
Lots Nos. 66 to 98 and Nos. 116 to 152, inclusive, in range No. 62, being----	70
Making-----	500

The lots which you propose to take for the Government in exchange for the like number, viz. Nos. 165 to 170, inclusive, in each of the ranges; Nos. 54, 55, 56, and 57, and Nos. 54 to 65, inclusive, in range No. 61, say 12 lots, and lots Nos. 54 to 65, inclusive, in range No. 62, say 12 lots.

The inclosed is the form of certificates which we give to purchasers of ground. If you prefer any other and will prepare it, it shall be executed.

With great respect, your obedient servant,

JOHN P. INGLE.

DR. JOHN B. BLAKE,

Commissioner of Public Buildings.

November 9, 1856, a special meeting of the vestry was held, in which the matter of selection of the sites proposed to be exchanged was considered, and authority of the vestry given therefor. The proceedings are as follows, to wit:

[Vestry record No. 1, November 9, 1858.]

A special meeting of the vestry was held this day. Present, George M. Dove, William Richards, Arch Henderson, Henry Nailor, Jonathan Prout, and John P. Ingle, vestrymen.

The treasurer stated that the Secretary of the Interior had authorized Dr. J. B. Blake, the commissioner of public buildings, to make a selection of burial sites in the Washington Cemetery for the United States, under the late act of Congress, giving authority to do so, and that Doctor Blake desired to exchange sites Nos. 165, 166, 167, 168, 169, and 170 in each of ranges Nos. 54, 55, 56, and 57, now owned and occupied by the United States, for the like number of sites (say 24) in the last addition to the cemetery. The vestry agreed to make the proposed exchange.

(NOTE.—On these sites no interments have been made, but monuments erected there to the memory of eight members of Congress, which monuments are to be removed.)

Adjourned.

JOHN P. INGLE, *Register.*

Mr. Ingle's letter of November 8, was referred to the Secretary of the Interior on November 11 by Commissioner Blake, with a report of the selection of the sites, as follows:

OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS,

November 11, 1856.

SIR: Herewith I transmit to you a copy of a letter from John P. Ingle, esq., containing the number of the ranges and lots I selected in the Congressional burying ground by your direction.

I also consented that eight Congressional monuments, occupying 24 lots in an isolated position, should be removed to the lots selected by me, provided the same number of lots should be set apart for the Government in connection with those I had selected. I had no authority for making the exchange, but as it was manifestly for the interest of the Government, and as Mr. Ingle was willing to act upon my acquiescence, I did not hesitate to give it. There are no remains under the eight monuments proposed to be removed.

The certificate to which the letter refers being the usual form issued by authority of the vestry of the parish to which the cemetery belongs, I have not deemed it necessary to require any change in it.

Very respectfully, your obedient servant,

JOHN B. BLAKE, *Commissioner.*

HON. ROBERT McCLELLAND,

Secretary of the Interior.

November 12, 1856, the Secretary of the Interior approved Doctor Blake's selection in the following letter:

DEPARTMENT OF THE INTERIOR.

November 12, 1856.

SIR: I am in receipt of your letter of yesterday, apprising the Department of your having selected the additional number of sites in the Congressional burying ground required by the act of 18th August last, and in reply inform you that the selection is approved, as well as the exchange referred to by you.

Very respectfully, your obedient servant,

R. McCLELLAND, *Secretary*.

DR. J. B. BLAKE,

Commissioner of Public Buildings, Washington, D. C.

The description of these 500 sites purchased and the 24 secured in exchange, 524 in all, is as follows, by range and number:

Five hundred sites purchased:

	Sites.
Range 58, Nos. 31 to 98 and 101 to 152	120
Range 59, Nos. 31 to 98 and 101 to 152	120
Range 60, Nos. 31 to 98 and 101 to 152	120
Range 61, Nos. 66 to 98 and 116 to 152	70
Range 62, Nos. 66 to 98 and 116 to 152	70

Total..... 500

Twenty-four sites in exchange:

	Sites.
Range 61, Nos. 54 to 65	12
Range 62, Nos. 54 to 65	12

Total..... 24

Copies of the certificates of the vestry for the above sites, now on file in the Office of Public Buildings and Grounds in charge of Col. Chas. S. Bromwell, are as follows:

Know all men by these presents, That the United States of America are entitled to five hundred burial sites in the Washington Cemetery, established on squares numbered eleven hundred and four, eleven hundred and fifteen, and eleven hundred and sixteen, in the city of Washington; which said sites are known and described on the plan of the said cemetery as sites numbered thirty-one to ninety-eight, and one hundred and one to one hundred and fifty-two, inclusive, in each of ranges numbered fifty-eight, fifty-nine, and sixty; and sites numbered sixty-six to ninety-eight and one hundred and sixteen to one hundred and fifty-two, inclusive, in each of ranges numbered sixty-one and sixty-two; transferable by the said United States, their attorney, or assigns on the transfer book of the said cemetery, subject nevertheless to all rules which have been or may be made for the government thereof.

In testimony whereof the vestry of Washington parish have caused me to issue these presents and hereunto to affix their common seal this twelfth day of November, in the year of our Lord one thousand eight hundred and fifty-six.

JOHN P. INGLE, *Register*.

[Christ Church, City of Washington. Faith.]

Know all men by these presents, That the United States of America are entitled to twenty-four burial sites in the Washington Cemetery, established on squares numbered eleven hundred and sixteen, in the city of Washington; which said sites are known and described on the plan of the said cemetery as sites numbered fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, and sixty-five, in ranges No. 61 and 62; transferable by the said United States, or their attorney, or assigns, on the transfer book of the said cemetery; subject nevertheless to all rules which have been or may be made for the government thereof.

In testimony whereof, the vestry of Washington parish have caused me to issue these presents and hereunto to affix their common seal this twelfth day of November, in the year of our Lord one thousand eight hundred and fifty-six.

JOHN P. INGLE, *Register*.

These burial sites are given in exchange for sites No. 165, 166, 167, 168, 169, and 170 in ranges No. 54, 55, 56, and 57 in the same cemetery.

JOHN P. INGLE, *Register*.

March 3, 1857 (11 Stat. L., 226), \$2,200 was appropriated for flagging the footway in the cemetery from the receiving vault to the cemetery entrance. The item reads as follows:

For flagging footway in the Congressional burying ground from the entrance of the same to the Government vault, \$2,200.

Of this \$2,200 appropriation \$111.70 was unexpended that year and turned back into the surplus fund. Later, June 11, 1858 (11 Stat. L., 325), this small sum was ordered to be expended in completion of the work. The statute reads as follows:

Sec. 2. Be it further enacted, That the balance of the appropriation of \$2,200 "for flagging footway in the Congressional burying ground from the entrance of same to the Government vault," per act approved March 3, 1857, be applied in extending the flagging the whole length of the avenue, as was originally intended.

The records of the commissioner of public buildings show that the expenditures above referred to were made under the direction of the commissioner.

Meanwhile the committee appointed to secure plans and estimates for erecting the iron fence had delayed the matter, in the hope of securing for a lower price a portion of an iron fence around the Capitol square that was to be removed.

The act of March 3, 1857, which authorized the Secretary of the Interior to remove the fence provided that a part of it should be used to inclose Judiciary square, the balance to be used in inclosing such public grounds as the President might direct. March 16, 1857, Messrs. Henderson and Ingle, as a committee from the vestry of Christ Church, wrote to the commissioner of public buildings, Dr. Jno. B. Blake, to see if an order could not be made by the President designating the Washington Parish Burial Ground as "public grounds" under the statute, and thus enable them to acquire the old fence, to be used in connection with the new fence to be purchased with the appropriation of 1856.

A copy of the letter is as follows:

WASHINGTON, *March 16, 1857.*

DEAR SIR: You are aware that in August, 1856, an appropriation of \$5,000 was made by Congress for the purchase of burial sites in the Congressional Cemetery, upon the condition that the same be expended in the construction of an iron fence on the north front of said cemetery.

No steps were taken last year toward the construction of the fence, because it was supposed that the one around the Capitol square, or a part of it, would be taken down this summer and sold, in which event we expected to purchase enough of it at a moderate price, so that the appropriation made, with some other means in hand, would enable us to rebuild it at the cemetery.

An act passed at the session of Congress just closed authorizes the Secretary of the Interior to apply so much of this old fence as may be necessary to the inclosing of the Judiciary square, and the balance of it is to be used in inclosing such of the public grounds as the President may direct.

The length of the fence around the Capitol square is over 8,000 feet, and the quantity necessary to surround the Judiciary square is less than 4,000 feet. The whole front of the cemetery is about 1,200 feet.

Our object in presenting these facts to you is to ask whether this cemetery may be regarded as public grounds, to which the President may grant a part of the old fence, and if so, that you would please to ask the President for authority to apply so much as may be necessary for the front of it. It is true that the

whole of this ground does not belong to the United States, but they own a large part of it and many expensive monuments on it.

The front fence of the cemetery is to be of iron, the other sides are to be of brick walls, for which no aid will be asked of the Government.

No money has been provided to meet the cost of transferring the old fence to the Judiciary square, or elsewhere, and if that portion which is now being taken down is not safely stored it will be stolen and lost.

If we are obliged to make an entire new fence all our means will not enable us to complete it for some time, but if it shall be the pleasure of the President to transfer enough of the old for the object contemplated we can immediately make it a complete work.

With great respect, your obedient servants,

W. A. HENDERSON,
JOHN P. INGLE,
Committee.

DR. JOHN B. BLAKE,
Commissioner of Public Buildings.

(The section of the statute of March 3, 1857, referred to in the above letter is as follows:)

SEC. 6. *And be it further enacted*, That it shall not be lawful for the Secretary of the Interior, in executing the improvements around the Capitol ordered in this or in any other act, to sell either the railing, coping, or rubble stone now in use on the Capitol grounds, but shall, when they are superseded, use so much thereof as may be necessary in inclosing Judiciary square, and the remainder shall be used in inclosing such public grounds as the President may direct.

March 18, 1857, the commissioner of public buildings submitted the above request to the Secretary of the Interior, setting forth the nature of the Congressional Cemetery and the interest the Government had therein, and recommending the disposal of the old fence in case the President should not feel warranted in granting the request of the vestry committee. A copy of the commissioner's letter is as follows:

OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS,
March 18, 1857.

SIR: I respectfully submit for your consideration the accompanying letter from General Henderson and John P. Ingle, esq., the committee in charge of the Congressional Cemetery, requesting me to ask the President to authorize the appropriation of so much of the iron railing around the Capitol as may be necessary for the front inclosure of the cemetery to that object.

The cemetery belongs to Christ Church, but the Government has a large interest in it. Besides upward of a hundred monuments erected to the memory of members of Congress and the public vault, the Government owns 500 grave sites, which I recently purchased in pursuance of instructions from the Department. In 1824 Congress made an appropriation to aid in the erection of a substantial wall around it, and at the last session appropriated \$2,200 for paving the main avenue with flagging from its commencement to the Congressional vault. The property the Government owns in the cemetery, and the interest it has evinced for its preservation and decent appearance, by various appropriations for improvements, would seem to authorize the suggestion of the committee that it may be considered public ground within the meaning of the sixth section of the civil miscellaneous appropriation act approved 3d of March last.

Captain Meigs has commenced removing a part of the railing that incloses the Capitol grounds, with the view of enlarging the terraces about the new portions of the building. I am informed that it will be necessary to remove 500 feet of the railing, and as I have no secure place to store it, I am apprehensive that much, if not all of it, will be stolen before it can be brought into requisition for the purposes designated in the section of the act to which I have referred. Should the President feel himself unauthorized to grant the request

of the committee, I respectfully recommend the sale of the railing that is now to be taken down if it will not conflict with the disposition Congress has prospectively made of it, and I presume it will not, as the proceeds can at any time be applied to the accomplishment of those objects.

Very respectfully, your obedient servant,

JNO. B. BLAKE, *Commissioner*,

HON. JACOB THOMPSON,

Secretary of the Interior.

March 21, 1857, the Secretary of the Interior denied the request of the cemetery authorities, stating that the title to the cemetery was not in the Government, and it could not therefore be regarded as public ground of the Government within the meaning of the act of March 3, 1857. A copy of the Secretary's decision is as follows:

DEPARTMENT OF THE INTERIOR.

March 21, 1857.

SIR: I have considered the request of General Henderson and Mr. Ingle, submitted in your letter of the 10th instant, to be allowed to use a portion of the iron fence about being removed from around the Capitol grounds in inclosing a part of the cemetery commonly known as the Congressional Burial Grounds, but do not feel authorized to comply therewith. The act passed on the 3d instant requires that so much of that fence as may be necessary shall, when superseded, be used "in inclosing Judiciary square," and that "the remainder shall be used in inclosing such of the public grounds as the President may direct." The cemetery (the title to which is not in the Government) can not be regarded as "public grounds" within the meaning of the act, and if it were otherwise the fence could not properly be appropriated to that object until after the reservation specially named had been inclosed as contemplated by Congress.

Your proposition to sell the fence can not be entertained. The prohibition contained in the act is in express terms, and forbids that disposition of it.

It is my desire that in this, as in all other matters coming under the supervision of this Department, the will of Congress shall be strictly carried out, and with this view you will see that the materials referred to in your letter be properly secured and carefully preserved until they can be legitimately applied to the purposes for which they were intended.

I am, sir, very respectfully,

J. THOMPSON, *Secretary*.

DR. JNO. B. BLAKE,

Commissioner of Public Buildings.

March 30, 1857, the erection of a new fence was authorized, as shown by the following record of the vestry meeting:

[Record No. 1, March 30, 1857.]

The vestry met this day according to notice. Present: The rector and all the members of the vestry except Doctor McKim.

The committee authorized on the 25th of August last to procure plans and estimates of the cost of constructing an iron fence on the north front of the Washington Cemetery made a verbal report recommending such a fence as that now around the Capitol square and estimating the cost thereof at about \$6.50 per foot. The said committee were authorized to have such a fence put up, except that the coping shall be of granite instead of sandstone if practicable. It was stated that about \$160 had been subscribed for the purpose * * *

Adjourned.

JOHN P. INGLE, *Register*.

February 26, 1858, the commissioner of public buildings reported to the Secretary of the Interior the completion of the fence, and asked for the Secretary's approval of the voucher for its cost. The commissioner's letter is as follows:

OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS,

February 26, 1858.

SIR: The Comptroller of the Treasury requires your written approval on the within voucher before he will allow it to pass to my credit.

Your predecessor, in November, 1856, directed me to purchase the 500 burial lots, and to pay for the same according to the terms of the proviso to the appropriation. I have acted in compliance with his direction.

Very respectfully, your obedient servant,

JNO. B. BLAKE, *Commissioner*.

Hon. JACOB THOMPSON,

Secretary of the Interior.

(The iron fence has been finished and is substantial as well as ornamental.—J. B. B.)

Earlier in 1858 the register had bought the portion of reservation No. 13 available under the statute of July 25, 1848, and the subsequent decision of the War and Navy Departments, allowing $2\frac{1}{4}$ acres of said reservation to be disposed of. This tract on the east was added to the burial grounds, giving them three adjacent squares from Seventeenth east to Twentieth between E and G streets, and square 1116 between G and H and Eighteenth and Nineteenth. Numerous other purchases had been made by Mr. Ingle of lots located in various squares near by, all for the ultimate purpose of adding ground to the cemetery. Under the statutes at that time, however, the vestry authorities were required to own all of a square before it could be made a part of the cemetery. The cemetery had bought lots in the following squares, the location of which squares is as follows:

1105, which joined square 1104 on the south.

1106, which joined square 1105 on the south.

1117, which joined square 1116 on the south.

1123, which joined square 1116 on the east.

1130, which joined square 1123 on the east.

1148, which joined square 1130 on the east.

1149, which joined square 1148 on the east.

The consent of the Government was necessary to use certain streets desired to be inclosed, and a committee had been appointed—

to prepare and present to Congress a memorial asking that authority be given to the vestry of Washington parish to take hold and enclose, with the consent of the corporation of Washington, such parts of the streets and open spaces as may be necessary in order to the extension of the Washington cemetery as far south as the north side of Water street, and also to ask for such other powers and protection as the said committee should deem necessary.

General Henderson and John P. Ingle were appointed as this committee. In the spring of 1858 they presented the matter to Congress and secured legislation allowing the proposed extension to Water street, a street on which the following above-named squares abutted on the south: 1106 and 1117, and which street joined H at Nineteenth. (See plat herewith.)

On May 18, 1858, Congress passed an act under the terms of which the vestry of Washington parish was authorized with the consent of the corporation of the city of Washington to inclose and use forever Eighteenth and Nineteenth streets between G and Water, and G and H streets between Seventeenth and Twentieth, all southeast, providing, however that these portions of streets should not be sold for any purpose, but that the United States should retain them for the interment of members of Congress or such officers of the Government as might die in Washington.

The act of May 18, 1858, reads as follows:

[11 Stat. L., 289.]

AN ACT To authorize the vestry of Washington parish to take and enclose certain parts of streets in the city of Washington, for the purpose of extending the Washington cemetery, and for other purposes.

Be it enacted, etc., That the vestry of Washington parish shall be, and are hereby, authorized, with the consent of the corporation of the City of Washington, to take, enclose, and use forever those parts of Eighteenth and Nineteenth streets east, which lie between the north side of G street south and the north side of Water street; and also those parts of south G and south H streets which lie between Seventeenth and Twentieth streets east, for the purpose of enlarging the Washington cemetery: *Provided*, That the power hereby conferred shall not be exercised as regards such particular portion of either of the aforesaid streets as may pass in front of any lot of ground not owned by the said vestry, until the said vestry shall become the owners of such lot of ground: *And provided further*, That the said vestry shall not sell for any purpose whatever any of the aforesaid parts of streets, but the United States shall retain and hold such parts thereof as may be laid out for burial purposes for the interment of Members of Congress or such officers of the Government as may die in Washington.

SEC. 2. *And be it further enacted*, That no canal, railroad, street, or other alley shall ever be laid out or opened into or through the Washington cemetery, except such avenues or walks as may be laid out by the vestry of Washington parish for the use and purposes of the said cemetery.

SEC. 3. *And be it further enacted*, That the Washington Cemetery shall be forever free from taxation.

The Congressional Globe of May 15, 1858, contains the following with reference to the passage of the act of May 18, 1858:

[Congressional Globe, 1st sess., 35th Cong., p. 2163.]

IN THE SENATE.

The Senate, as a committee of the whole, proceeded to consider the bill (H. R. No. 542) to authorize the vestry of Washington parish to take and enclose certain parts of streets in Washington City for the purpose of extending the Washington Cemetery, and for other purposes.

Mr. Brown (Albert G., Senator from Mississippi). The title of the bill is a little unfortunate; but the vestry of Washington parish really have the jurisdiction of the Congressional burying ground. We call it the Congressional burying ground, but the control over it is in the vestry of Washington parish. There are certain little short streets lying back of it, running down to the water, on which nobody travels, or ever will travel, if they remain a thousand years. I do not suppose they would ever be opened up; and the vestry propose to turn them into the Congressional burying ground. They never have been opened, and never will be, and never can be, on account of the situation of the grounds. They have no right to enclose them without our consent. What they ask is to run the Congressional burying ground down to the water. There is a little neck between the Congressional burying ground and the East Branch of the Potomac which they propose to take; and they reserve to you the exclusive right to bury Members of Congress, or any officials who may happen to die. They will bury any of you there. (Laughter.)

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The President (James Buchanan) signed the bill May 18.

By the act of July 25, 1848, the cemetery authorities were allowed to "enclose, possess, and occupy so much of any street or streets as might pass between the original plot of square No. 1115 and any other whole square of ground of which the vestry might become the possessor," and under the provisions of this act G street, between Eighteenth and Nineteenth SE., had been so occupied, platted, and used for cemetery purposes for nearly ten years.

Through some oversight, doubtless, the act of May 18, 1858, failed to make an exception of this portion of G street, when the reservations of streets to the United States were named, for the streets thus reserved are Eighteenth and Nineteenth, from G to Water, and G and H streets from Seventeenth to Twentieth.

The vestry agreed to the conditions imposed in this statute at a meeting held May 25, 1858. The committee also reported that an act had been passed by the city of Washington giving the consent desired for inclosing streets. The following is a record of the meeting:

[Record No. 1, May 25, 1858.]

A special meeting of the vestry was held this day, due notice of which was given to all the members thereof. Quorum present.

The committee appointed on the 11th day of January last to apply to Congress for authority to enclose certain parts of the streets in the city of Washington in order that the Washington Cemetery may be extended, presented a copy of an act of Congress in relation thereto, viz:

[Act of May 18, 1858, set forth in full.]

It was thereupon resolved that the vestry does hereby accept the aforesaid act of Congress with its conditions. * * *

The committee also reported to the vestry that an act had been passed by the boards of aldermen and common council of the city of Washington, giving the consent of the corporation of the said city to the enclosing of the parts of streets as required by the first section of the aforesaid act of Congress; but that the bill had not yet received the approval of the mayor of Washington.

The following is a copy of the act passed by the corporation of the city of Washington allowing the use of certain streets to the cemetery, which was approved by the mayor May 27, 1858, to wit:

AN ACT giving the consent of the corporation of the city of Washington to the enclosing and use of certain parts of streets for the extension of the Washington Cemetery.

Whereas by an act of Congress approved on the 18th day of May, 1858, authority is given to the vestry of Washington parish, upon certain conditions and "with the consent of the corporation of the city of Washington, to take, enclose, and use forever those parts of Eighteenth and Nineteenth streets east which lie between the north side of G street south of the north side of Water street, and also those parts of south G and south H streets which lie between Seventeenth and Twentieth streets east, for the purpose of enlarging the Washington Cemetery:" Therefore,

Be it enacted, etc., That the consent of the corporation of the city of Washington be, and is hereby, given for the vestry of Washington parish to take, enclose, and use forever all the before-mentioned parts of streets upon the conditions and for the use mentioned in the aforesaid act of Congress.

An examination of the plat shows that under the terms of the act of Congress and the above act of the corporation of the city of Washington, the cemetery authorities could inclose the following squares and streets running between them, to wit: Squares 1104, 1105, 1106 1115, 1116, 1117, 1123, and a portion of reservation No. 13. These squares were added to the cemetery thereafter whenever any one of the whole squares became the property of the vestry. Square 1105 was ordered to be added June 8, 1858, and the others quickly followed.

In the year 1861 the Government bought 50 sites in the Congressional cemetery for the purpose of burying therein the remains of deceased soldiers. At that time there were a number of soldiers in the various hospitals of Washington who had been brought here by order of the War Department. In June of 1861 Gen. D. H. Rucker, U. S. Army, then depot quartermaster at Washington, made a verbal agreement with one J. W. Plant, a local undertaker, to furnish the

grave and coffin and to bury soldiers dying in the different hospitals. Under this arrangement Mr. Plant purchased from the vestry of Christ Church 42 burial sites and 8 others were purchased for the Government by the quartermaster direct, and the bodies of deceased soldiers interred therein. Twelve or more sites were also purchased in the vicinity of those secured by the Government and the remains of deceased soldiers interred therein at the instance of friends of the deceased.

In April, 1868, the remains of 46 of the soldiers were removed by the Government to the Arlington National Cemetery, and others were taken elsewhere by friends. The ground vacated measured (according to the records of the War Department) 62 sites, only 50 of which were paid for by the Government. As appears hereinafter, the War Department relinquished to the cemetery all claim of the United States to the sites thus vacated.

In 1869 the cemetery authorities desired to make certain improvements in the southeast part of the grounds. That portion lying east of Nineteenth street and south of G was low and at times covered with water, and to obviate this the cemetery authorities wanted to fill the low ground and grade the streets. An appropriation was secured March 3, 1869, of \$3,000. (Stat. L., 309.)

For care, improvement, and repair of the Congressional Burying Grounds, to be expended under the direction of the wardens and vestry of Christ Church, Washington City.

A committee composed of W. E. Roberts and Charles Hulse, members of the vestry of Christ Church, obtained the sum thus appropriated, and it was expended in filling the low places in the southeast portion of the cemetery, in grading the streets, cutting trees, and making other minor improvements. The money was spent, however, before the desired improvements were completed, and Messrs. Roberts and Hulse at once set about securing additional funds from Congress for completing the work.

Meanwhile the cemetery authorities wished to repurchase the sites in which the bodies of soldiers had been buried. The sites were in a desirable location, being in about the center of square 1104—the northwest square in the cemetery. August 14, 1871, steps were taken at a meeting of the vestry to try and secure these sites from the War Department. The vestry record in reference thereto is as follows:

The register was ordered to write to the honorable Secretary of War to ascertain whether the United States Government will sell to this vestry at the price purchased by it the 64 grave sites owned by the Government in ranges 68, 69, 70, and 71. (Vestry record No. 2, August 14, 1871.)

In accordance with this order the register, Mr. E. B. Bury, wrote to the Secretary of War on August 28, stating that the cemetery would like to buy the sites at the price paid therefor by the Government.

Reply to this letter was made October 6, 1871, when the War Department in its letter relinquished to the cemetery the sites in question. The vestry proceedings in relation to this matter are as follows:

[Vestry record No. 2, October 9, 1871.]

The register read the following letter from the Secretary of War which was ordered to be recorded and a vote of thanks tendered to the Hon. William Belknap, Secretary of War, for his generous donation. It is as follows, to wit:

WAR DEPARTMENT.

Washington City, October 6, 1871.

E. B. BURY, Esq.,

*Register Christ Church,**Washington, D. C., 300 L street, SE.*

SIR: In reply to your communication of August 28, 1871, I am directed by the Secretary of War to inform you that the United States relinquish in favor of your church all claim, or title, to 62 vacant grave sites, formerly obtained from said church and used for the interment of deceased soldiers, whose remains have since been removed.

I am, sir, yours, respectfully,

OSCAR A. MACK,

Major and Brevet Colonel, U. S. Army.

The Government has made no other purchase of sites in the cemetery since the date of the transaction above set forth. Since 1856 the Government had been the owner of 924 sites, and the above transfer left 924 sites in the cemetery the property of the Government. The following table shows the complete record of Government sites acquired, to wit:

Sites acquired by United States Government in the Washington Parish Burial Ground ("Congressional Cemetery," so called) by donation and purchase, as shown by the vestry records of Christ Church (proprietor of the cemetery), by the cemetery register, and by the records in the office of public buildings and grounds, Washington, D. C., to wit:

By donation of vestry to United States, April 15, 1816 (see item No. 1 below)	100
By donation of vestry to United States, December 15, 1823 (see item No. 2 below)	300
By exchange of sites from one range to another, November 9, 1856 (see item No. 3 below)	24
By purchase of Interior Department, November 12, 1856 (see item No. 4 below)	500
	<hr/> 924

(NOTE.—According to the vestry records, 64 sites were purchased in 1861 by the War Department for the interment of soldiers. Their bodies were removed in 1868, and the Government relinquished its claim to the vacant sites by letter of the War Department, October 6, 1871. (See item No. 5 below.)

Item No. 1. 100 sites by donation of vestry, April 15, 1816:

	Sites.
Range F east or 29, Nos. 16 to 51	36
Range G east or 30, Nos. 21 to 51	31
Range H east or 31, Nos. 19 to 51	33
	<hr/> 100

Item No. 2. 300 sites by donation of vestry December 15, 1823:

	Sites.
Range A east or 24, Nos. 1 to 4, inclusive	4
Range B east or 25, Nos. 1 to 8, inclusive	8
Range F east or 29, Nos. 9 to 15, inclusive	7
Range F east or 29, Nos. 52 to 74, inclusive	23
Range G east or 30, Nos. 9 to 17, inclusive	9
Range G east or 30, Nos. 52 to 74, inclusive	23
Range H east or 31, Nos. 6 to 8, inclusive	3
Range H east or 31, Nos. 52 to 74, inclusive	23
Range A west or 57, Nos. 103 to 152, inclusive	50
Range B west or 56, Nos. 103 to 152, inclusive	50
Range C west or 55, Nos. 103 to 152, inclusive	50
Range D west or 54, Nos. 103 to 152, inclusive	50

Item No. 3. 24 sites by exchange November 9, 1856:

	Sites.
Range 61, Nos. 54 to 65, inclusive-----	12
Range 62, Nos. 54 to 65, inclusive-----	12
	<hr/> 24

Item No. 4. 500 sites by purchase November 12, 1856:

	Sites.
Range 58, Nos. 31 to 98 and 101 to 152, inclusive-----	120
Range 59, Nos. 31 to 98 and 101 to 152, inclusive-----	120
Range 60, Nos. 31 to 98 and 101 to 152, inclusive-----	120
Range 61, Nos. 66 to 98 and 116 to 152, inclusive-----	70
Range 62, Nos. 66 to 98 and 116 to 152, inclusive-----	70
	<hr/> 500

Item No. 5. About 64 by purchase of War Department in 1861, which were relinquished by the War Department to the vestry of Christ Church, October 6, 1871:

	Sites.
Range 68, Nos. 71 to 80-----	10
Range 69, Nos. 68 to 82-----	15
Range 70, Nos. 64 to 82-----	19
Range 71, Nos. 63 to 82-----	20
	<hr/> 64

May 18, 1872, as a result of the efforts of Messrs. Roberts and Hulse, the committee appointed to secure more funds from the United States, Congress appropriated \$3,000, as shown by the following statute (17 Stat. L., 131):

For the repair and improvement of the Congressional Cemetery, to be expended under the direction of the warden and vestry of Washington parish, District of Columbia, \$3,000.

This appropriation was placed in the United States Treasury at the disposal of the vestry, and the Secretary of the Interior appointed Mr. Wm. E. Hutchinson as disbursing agent therefor. Under his direction the fund was used in grading a part of H street, filling some low ground, and in making other minor betterments. Following the disbursement of the fund Mr. Hutchinson's were balanced and closed by the Comptroller of the Currency, R. W. Taylor, as shown by the following letter:

TREASURY DEPARTMENT,
Washington, D. C., January 24, 1873.

SIR: Your account of disbursements for the repairs and improvements of the grounds of the Congressional Cemetery has been adjusted as per report of the First Auditor, No. 187374 balanced and closed.

Very respectfully,

R. W. TAYLOR, *Comptroller*.

WM. E. HUTCHINSON, Esq.,

*Disbursing Agent for the Repairs and Improvement of the
Congressional Cemetery, Washington, D. C.*

Only one more appropriation was ever made by Congress directly for the benefit of the Congressional Cemetery. The appropriation was made March 3, 1873 (17 Stat. L., 541), for \$2,000 and is as follows:

For repairs and improvement of the Congressional Cemetery, to be expended under the direction of and on vouchers to be approved by the officer in charge of public buildings and grounds of the District of Columbia, \$2,000.

Concerning the expenditures thus authorized the reports of the officer in charge of public buildings and grounds for the years 1873 and 1874 contain the following statements:

Congressional Cemetery.—An appropriation of \$2,000 was made at the late session of Congress for improvement of the cemetery, to be expended under the direction of this office. Accordingly a force was set at work in June widening and grading a portion of H street southeast, included in this cemetery. The work was not entirely finished at the close of the fiscal year. (Annual report fiscal year ending June 30, 1873, p. 12.)

Congressional Cemetery.—No work has been done in this cemetery since my last annual report except to grade and sod the slope of H street, which was widened last year. This was found necessary to prevent the grade from being destroyed by rains. The amount appropriated for the cemetery was thus exhausted. (Annual report for fiscal year ending June 30, 1874, p. 8.)

For some years prior to the final appropriation by Congress for the cemetery in 1873, negotiations had been pending for the purchase of the three squares lying between G and H streets, east of Twentieth street, being numbers 1130, 1148, and 1149. Part of the lots therein had been purchased from the Government by Mr. Ingle in 1859, and a committee of the vestry later had charge of the purchase of the other lots therein. About the year 1875, the east boundary of the cemetery was extended so as to include squares 1130, 1148, and a portion of the west half of square 1149, thus completing the addition of ground which brought the cemetery up to its present size. Squares 1148 and 1149 are low and undesirable for burial purposes, and hence have but few interments therein.

The following is a brief epitomization of the manner in which the Government appropriations for the benefit of the Congressional Cemetery were expended, viz:

For brick wall.....	\$2, 000. 00
For keeper's house and planting trees.....	1, 500. 00
For receiving vault and rail.....	2, 793. 89
For rebuilding wall.....	1, 966. 60
For repairs to roads.....	2, 600. 00
For general repair and improvements.....	8, 000. 60
For iron fence (in exchange for sites).....	5, 000. 00
For flagging road to vault.....	2, 088. 30
Total net expenditures.....	25, 948. 19

The following is a list of references in the Statutes at Large to the various acts by which appropriations were made, and extensions authorized, viz:

Date.	Vol.	Page.
May 4, 1824.....	6	294
May 31, 1832.....	4	520
July 14, 1832.....	4	580
Do.....	4	581
March 2, 1833.....	4	650
June 30, 1834.....	4	722
Do.....	4	722
March 3, 1835.....	4	770
August 10, 1846.....	9	93
Do.....	9	93
July 25, 1848.....	9	250
August 18, 1856.....	11	88
March 3, 1857.....	11	226
May 18, 1858.....	11	289
June 12, 1858.....	11	325
March 3, 1869.....	15	309
May 18, 1872.....	17	131
March 3, 1873.....	17	540

Of the reservations of streets for the use of the Government made under the statute of May 18, 1858—to wit: G and H streets from Seventeenth to Twentieth and Eighteenth and Nineteenth streets between G and Water—the above portions of streets enclosed within the cemetery have been reserved for the use of the Government, and have been kept sodded and trimmed, with the exception of G street between Eighteenth and Nineteenth: this portion of G street was occupied by the cemetery and sold for burial sites under authority of the statute passed July 25, 1848. On H street between Eighteenth and Nineteenth, however, there is an encroachment upon the street by a row of vaults built along the north side of the street.

PART II.

GOVERNMENT INTERMENTS AND MONUMENTS IN THE CONGRESSIONAL CEMETERY.

According to the register of burials kept by the superintendent of the Congressional Cemetery, there have been 109 interments therein by order or permission of the Government. Fourteen bodies have been removed since interment. Monuments were erected over 100 of these graves, of which one has since been removed. For one Congressman, James Gillespie, of North Carolina, there are two monuments, one at his grave and another among the cenotaphs in a different part of the cemetery. Hence there are now in the Congressional Cemetery on Government ground 86 monuments above the remains of persons interred therein, 1 extra monument for Congressman Gillespie, and 13 monuments from beneath which the bodies have been removed.

In addition to the above monuments 85 cenotaphs have been erected in the Congressional Cemetery in memory of deceased Senators and Representatives whose remains are interred elsewhere, making a total of 185 monuments at the present time. One of the cenotaphs is unmarked.

An account will first be given of the interments and accompanying monuments, and second of cenotaphs for persons interred elsewhere.

First. Interments and accompanying monuments:

The cemetery register shows that of the 109 interments in Government ground in the Congressional Cemetery 68 were Representatives, 16 were Senators, and 25 were persons occupying other positions in public life, as follows: Two Vice-Presidents of the United States, 1 Secretary of War, 1 Secretary of State, 1 Associate Justice of the United States Supreme Court, 1 secretary to the President (Tobias Lear, secretary to President Washington), 1 Secretary of the Senate, 1 Territorial Delegate, 10 army officers, 3 navy officers, 1 foreign minister from Prussia, 1 Choctaw Chief called Push ma ta ha, 1 Catharine Bressone, wife of a member of the French legation in 1824, and an unknown page in the House.

Of the 14 removals, 9 were bodies of representatives, 3 were of Senators, 1 Secretary of War, and 1 army officer.

In every instance but one the monuments were not disturbed. The exception was for that of Secretary of War General Rawlins, whose remains and monument were taken from the Congressional Cemetery

and placed in Arlington Cemetery. The complete list of interments and removals is given hereinafter.

The dimensions and general appearance of the monuments erected to deceased Senators and Representatives are unusual, and the monuments have always been objects of peculiar interest on that account. They are uniform in size, shape, and material. They are fashioned from sandstone on a broad base about 6 feet square, upon which is placed a square block about 3 feet high, surmounted by a cone-shaped top reaching to a height of about 5 feet above the ground. They are placed together at regular intervals in rows in the cemetery. With a few exceptions, each monument bears the following form of inscription:

The Honorable ———, a Member of the Congress of the United States from the State of ———, (or in case of a Senator it reads "a Senator of the United States from the State of ———"). Born. ———. Died. ———.

The space occupied by each monument in some instances is two burial sites, in others three, depending upon how closely together the monuments were placed.

Just who selected the form of these monuments is not known, but from the time of the first interment and erection of monument by the Government in 1807 (for Senator Uriah Tracy, of Connecticut) up to the year 1876 the pattern above described was followed for each stone put in place. No change in the form seems to have been suggested until the passage of the act in 1876, which abolished the custom of erecting cenotaphs. The late Senator Hoar, of Massachusetts, then a member of the House, asked that the bill be amended to strike out the provision requiring all monuments thereafter to be erected to be in the form of cenotaph theretofore provided. In support of his proposed amendment, Mr. Hoar said:

I wish the gentleman having charge of this bill would allow an amendment to strike out the provision that all monuments hereafter to be erected shall be in the form of the cenotaph heretofore provided. It is certainly adding new terrors to death to propose that in any contingency, whatever may be the poverty or degradation of any Member of Congress, his body should be put under a structure similar to the cenotaphs now there, which are only excusable on the ground that nobody is buried under them. I can not conceive of an uglier shape to be made out of granite or marble than those cenotaphs now there. To propose gravely to require by law that for all time structures of that fashion shall be placed over deceased Congressmen seems to me a little too bad. I move to amend the bill by striking out the words "in the form of the cenotaph heretofore provided."

Representative Willard, who had introduced the bill, agreed to the amendment, saying:

I do not know that I have any objection to this amendment. I suppose that the words which the gentleman proposes to strike out were put in the bill with the idea of making the new monuments correspond in shape with those already erected.

The bill therefore passed allowing a different form of monument if desired. As the Government's use of the Congressional Cemetery had practically ceased by that time, however, only one or two monuments appear which differ from the original form adopted.

All monuments erected for deceased Senators, buried in the Congressional Cemetery, were paid for from the contingent fund of the

Senate at the order of the Secretary of the Senate. All monuments erected for deceased Representatives, buried in the Congressional Cemetery, were paid for from the contingent fund of the House on the order of the Clerk of the House.

Direct appropriations have been passed providing for the monuments to Vice-President Elbridge Gerry and Maj. Gen. Jacob Brown. The acts read as follows:

For Elbridge Gerry, March 3, 1823 (3 Stat. L., 777) :

AN ACT For the erection of a monument over the tomb of Elbridge Gerry, late Vice-President of the United States.

Be it enacted, etc., That the superintendent of public buildings be, and he is hereby, directed to cause to be erected, in the burial grounds of the city of Washington, a neat and appropriate monument over the tomb of Elbridge Gerry, late Vice-President of the United States, who died at Washington November twenty-third, eighteen hundred and fourteen, with a suitable inscription on the same, stating the name, station, age, and time of death of the deceased.

SEC. 2. *And be it further enacted*, That a sum not exceeding one thousand dollars be, and the same is hereby, appropriated for the payment of the cost thereof, from any money in the Treasury not otherwise appropriated.

Approved March 3, 1823.

For Maj. Gen. Jacob Brown, June 30, 1834 (4 Stat. L., 722) :

AN ACT Making appropriations for the public buildings and grounds, and for other purposes.

* * * * *

For erecting a monument over the remains of the late Major-General Jacob Brown, one thousand dollars; the work to be done under the direction of the Secretary of War.

* * * * *

The monuments for the remainder of those officials, not Senators or Representatives, were provided for in some instances by relatives of the deceased, in others by friends or associates. Others may have been provided for by the Government in general appropriations, though reference to the items of appropriation is not readily accessible, because at the time the monuments were erected the statutes were not perfectly indexed.

Funerals of deceased public men in nearly all cases were paid for from the same fund which provided the monument. An exception is noted in the case of the interments of Congressmen James Jackson and James Jones, both from the State of Georgia. They were first interred in the Rock Creek Cemetery and afterwards removed to the Congressional Cemetery, under the provisions of an act of July 14, 1832, passed for that purpose. The appropriation is an item in the general appropriation bill (4 Stat. L., 580) and reads as follows:

For defraying the expenses of removing from the burying ground of Rock Creek Church to the Congressional Cemetery the remains of James Jackson and James Jones, formerly Members of Congress from the State of Georgia, such sum as shall be requisite not exceeding five hundred dollars, to be expended under the direction of the Clerk of the House of Representatives.

The names of the deceased Senators, Representatives, and other notables interred in the Congressional Cemetery in Government ground, State from which they come (if known), and date of death (if known), as shown by the register of the cemetery and inscriptions on the monuments, are as follows:

SENATORS.

Name.	State.	Died.
Uriah Tracy.....	Connecticut.....	July 19, 1807
Francis Malbone.....	Rhode Island.....	June 4, 1809
James Burrill, jr.....	do.....	Dec. 25, 1820
W. A. Trimble.....	Ohio.....	Dec. 13, 1821
William Pinkney.....	Maryland.....	Feb. 25, 1822
John Gaillard.....	South Carolina.....	Feb. 26, 1826
James Noble.....	Indiana.....	Feb. 26, 1831
Nathan Smith <i>a</i>	Connecticut.....	Dec. 6, 1835
Elias K. Kane <i>a</i>	Illinois.....	Dec. 11, 1835
John Fairfield.....	Maine.....	Dec. 21, 1847
I. S. Pennybacker <i>a</i>	Virginia.....	Jan. 12, 1847
N. F. Dixon.....	Rhode Island.....	Jan. 29, 1842
William Upham.....	Vermont.....	Jan. 14, 1853
Lemuel J. Bowden.....	Virginia.....	Jan. 2, 1864
J. Pinckney Henderson.....	Texas.....	June 4, 1858
William N. Roach (no monument).....	North Dakota.....	Sept. 7, 1902

REPRESENTATIVES.

Ezra Darby.....	New Jersey.....	Jan. 28, 1808
Whitting (no monument).....	do.....	do.....
Thomas Blount.....	North Carolina.....	Feb. 7, 1812
Elijah Brigham.....	Massachusetts.....	Feb. 22, 1816
Richard Stanford.....	North Carolina.....	Apr. 9, 1816
George Mumford.....	do.....	Dec. 31, 1818
David Walker.....	Kentucky.....	Mar. 1, 1820
J. H. Purvian (no monument).....	do.....	do.....
Nathaniel Hazard.....	Rhode Island.....	Dec. 17, 1820
Jesse Slocum.....	North Carolina.....	Dec. 20, 1820
William L. Ball.....	Virginia.....	Feb. 29, 1824
Christopher Rankin.....	Mississippi.....	Mar. 14, 1826
Alexander Smyth.....	Virginia.....	Apr. 17, 1830
Jonathan Hunt <i>a</i>	Vermont.....	May 15, 1832
Charles C. Johnson.....	Virginia.....	June —, 1832
George E. Mitchell.....	Maryland.....	June 28, 1832
James Jones.....	Georgia.....	Jan. 11, 1801
Levi Casey.....	South Carolina.....	Feb. 3, 1807
Philip Doddridge.....	Virginia.....	Nov. 19, 1832
James Leut <i>a</i>	New York.....	Feb. 22, 1833
John Smiley.....	Pennsylvania.....	Dec. 30, 1812
T. T. Boudin <i>a</i>	Virginia.....	Feb. 11, 1834
John Dawson.....	do.....	Mar. 31, 1814
Hodge Thompson.....	New Jersey.....	July 23, 1828
T. D. Singleton.....	South Carolina.....	Dec. —, 1833
T. J. Carter.....	Maine.....	Mar. 14, 1838
Isaac McKim.....	Maryland.....	Apr. 1, 1838
Nathan Cilley <i>a</i>	Maine.....	Feb. 24, 1838
Warren R. Davis.....	South Carolina.....	Jan. —, 1835
Littleton P. Dennis.....	Maryland.....	Apr. 14, 1834
James Blair.....	South Carolina.....	Apr. 1, 1834
Theodorick Bland.....	Virginia.....	do.....
George Holcomb.....	New Jersey.....	Dec. 4, 1828
Joab Lawler.....	Alabama.....	May 8, 1838
James Gillespie.....	North Carolina.....	Jan. 10, 1805
Jeremiah McLene.....	Ohio.....	Mar. 19, 1837
Richard Manning.....	South Carolina.....	May 1, 1836
Salmon Willman <i>a</i>	Connecticut.....	Dec. 10, 1835
J. W. Hornbeck.....	Pennsylvania.....	Jan. 16, 1848
R. P. Herrick <i>a</i>	New York.....	June 20, 1846
Henry Frick.....	Pennsylvania.....	Mar. 1, 1844
William Taylor.....	Virginia.....	Jan. 17, 1846
Peter Bossier <i>a</i>	Louisiana.....	Apr. 24, 1844
S. G. Wright.....	New Jersey.....	July 30, 1845
Albert G. Harrison.....	Missouri.....	Sept. 7, 1839
Is. W. Williams.....	Maryland.....	Dec. 2, 1842
R. W. Habersham <i>a</i>	Georgia.....	Dec. 2, 1842
Benjamin Thompson.....	Massachusetts.....	Sept. 24, 1852
Alexander H. Buel.....	New York.....	Jan. 29, 1853
Charles Andrews.....	Maine.....	Apr. 30, 1852
Francis J. Harper.....	Pennsylvania.....	Mar. —, 1837
James A. Black.....	South Carolina.....	Dec. —, 1848
Edward Bradley.....	Michigan.....	Aug. 5, 1842
George C. Dromgole.....	Virginia.....	Apr. 28, 1847
Felix G. McConnell.....	Alabama.....	Sept. 10, 1846
John B. Dawson.....	Louisiana.....	July —, 1845
Joseph H. Peyton.....	Tennessee.....	Nov. —, 1845
Barker Burnell <i>a</i>	Massachusetts.....	June 15, 1843
William Lowndes.....	South Carolina.....	Oct. 12, 1822
William W. Potter.....	Pennsylvania.....	Oct. 29, 1839

* Removed.

REPRESENTATIVES—Continued.

Name.	State.	Died.
W. A. Burwell	Virginia	Feb. 16, 1821
Daniel Heister	Maryland	Mar. 8, 1804
Thomas Hartley	Pennsylvania	Jan. 1, 1801
Henry Black	do	Nov. 28, 1811
Charles Ogle	do	May 16, 1811
Joseph Lawrence	do	Apr. 17, 1842
James Gillespie (two monuments)	North Carolina	Jan. 10, 1805
David S. Kaufman	Texas	Jan. 30, 1851

OFFICIALS OTHER THAN SENATORS AND REPRESENTATIVES.

Nar-worthy Hunter, Territorial Delegate	Mississippi	Mar. 11, 1802
Unknown captain (no monument)	Do	
George Clinton, Vice-President	New York	Apr. 20, 1811
Samuel A. Odis, Secretary of the Senate	do	Apr. 22, 1814
Elbridge Gerry, Vice-President	Massachusetts	Nov. 23, 1814
Tobias Lear, Secretary to President Washington	do	Oct. 11, 1816
Captain Campbell	South Carolina	Nov. 11, 1820
Colonel Morrison	Kentucky	Apr. 23, 1823
Frederick Grenhm, Prussian minister	do	Dec. 1, 1823
Catharine Presson, wife of secretary to French legation	do	Jan. 28, 1824
Push ma ta ha, Choctaw Indian Chief	do	Dec. 24, 1824
Unknown page in the House	do	
Lieutenant Rose	New York	Nov. 22, 1825
Maj. Gen. Jacob Brown	do	Feb. 24, 1828
Commodore Ridgely (no monument)	do	
Commodore Patterson	do	Aug. 25, 1839
Commodore Rodgers	do	
Judge Phillip Pendleton Barbour, Associate Justice U. S. Supreme Court	do	Feb. 24, 1841
Abel P. Upshur, Secretary of State ^{a b}	do	Feb. 28, 1844
Captain Beverly Kennon ^{a b}	do	Do.
Surgeon-General Lovell (no monument)	do	
Major-General McComb	do	June 25, 1844
Major-General Gibson	do	Sept. 30, 1861
Gen. John A. Rawlins, Secretary of War under Grant ^a	do	Sept. —, 1869

^a Removed.^b Upshur and Kennon were killed by the explosion of a gun on the warship *Princeton*; had been lifelong friends and were buried in the same grave.

B

Second. As to cenotaphs erected in the Congressional Cemetery for persons whose remains are interred elsewhere:

Up to about 1835 practically every deceased Representative or Senator who died while holding office was buried in the Congressional Cemetery. Means of transportation were so limited and the cost of removing bodies so great that very few families of officials conveyed their remains away from Washington. Gradually, however, as facilities for transportation increased it became easier for relatives of deceased members to gratify their natural wish and bury their dead at their former homes. By 1855 interments in Washington of nonresident Government officials had practically ceased.

Meanwhile there had grown up a custom of erecting in the Congressional Cemetery a cenotaph in memory of each Senator or Representative who died while holding office, notwithstanding the body was buried elsewhere. The cenotaphs are identical in form, size, and material with the monuments for deceased Members and Senators interred in the Congressional Cemetery, and bear the same form of inscription. No attempt has been made to keep them apart from monuments above graves, and reference to the register of burials is necessary to determine which are above bodies and which are not. According to the register there are 85 of these cenotaphs—74 of which are for Representatives and 10 for Senators.

The origin of the custom in the Congressional Cemetery began with the erection of the monument to Hon. James Lent, a Representative from the State of New York, who died February 22, 1833. The monument was ordered on the occasion of his funeral, but was not actually erected for nearly one year thereafter. In accordance with the wishes of the family the remains of Mr. Lent were ordered to be removed to his former home in New York, and at the same time his monument was put in place, the cost of the monument and expense of removal of the body being paid for in the same item from the contingent fund of the House.

In the following year other cenotaphs were erected for Members buried elsewhere, and March 3, 1839, the custom was formally recognized by the House when it passed the following resolution:

Resolved, That the Clerk cause the usual monuments to be erected in the Congressional Burying Ground to the memory of such members of the House of Representatives as have died while members, and for whom monuments have been omitted to be erected, and on the occasion of whose death the usual resolutions of respect were passed by the House.

Nine cenotaphs were erected under that resolution, and the voucher for their cost now on file in the Treasury Department names the resolution of March 3, 1839, as authority for the Auditor's approval. The expenditure was paid from the contingent fund the same as for monuments for those actually buried in the Congressional Cemetery, although as appears later the drain upon that fund was so heavy that the expense was finally met by direct appropriations.

The custom thus established by the House was observed by the Senate whenever the death of a Senator occurred during his term of office, the cost being paid from the Senate contingent fund. The average cost of cenotaphs in place was about \$115 each, the lowest price paid being \$75 and the highest \$160. Mr. George Phillips was the contractor who erected the nine provided for in the original resolution of March 3, 1839, and the names of others who erected cenotaphs for deceased members from time to time are as follows:

Griffith & O'Brien, Samuel Walker, J. P. Pepper, L. Steganini, Kelly & Rutherford, Hugh Lochrey, Peter McMoreland, William A. Griffith, William Daugherty, Joseph Kelley, Murphy & Wilson, and Richard Rothwell. Hugh Lochrey had charge of the erection of nearly all put in place from 1846 to 1860. He was employed also for erasing the name of Representative Barker Burnell from a monument and inserting the name of Representative Samuel G. Wright. The erasure was made for the reason that at the time of the death of Mr. Burnell a monument was ordered for him by the then Clerk of the House, Matthew St. Claire Clark, and afterwards a new Clerk of the House, Mr. B. B. French, being appointed, he also ordered a monument for Mr. Burnell, being unaware of the previous order. The extra monument was utilized by the erasure of the lettering, and put in place for Mr. Wright.

From the passage of the resolution by the House in 1839 up to about 1861 all cenotaphs erected in the Congressional Cemetery in memory of deceased members were paid for from the contingent funds of the respective branches of Congress, and no inconvenience was felt so far as the Senate was concerned in thus meeting the expense. The drain was so great, however, on the miscellaneous item of the House contingent fund that several times the Clerk in his report had been obliged to ask for a deficiency appropriation. In

his deficiency estimate for 1854 the Clerk of the House asked for \$10,000 additional and stated that the estimate was made necessary because of the expense of providing for these monuments. The item reads as follows:

For miscellaneous items, ten thousand dollars. (Deficiency caused by the large number of unclassified expenses of the House thrown into this item. It is subject to drafts for all contingencies and sudden and unforeseen orders of the House, such as expenses for funerals for members, monuments for deceased members, etc.)

A similar deficiency appropriation of \$10,000 was asked for again in 1856, and finally in 1861 the Clerk of the House ceased altogether to provide cenotaphs for deceased members by payments from the House contingent fund. From 1861 to 1870 none was erected by either the House or Senate. Not wishing to discontinue the custom at that time, however, on July 15, 1870, the following act was passed by the House providing for erection of cenotaphs by appropriation:

[16 Stat. L., 309; sundry civil appropriation bill.]

SEC. 4. *And be it further enacted*, That there is hereby appropriated the sum of three thousand five hundred dollars, or so much thereof as may be necessary, for the erection in the Congressional Cemetery of monuments in memory of those Representatives who have died since eighteen hundred and sixty, said monuments to be of uniform size and style with those previously erected, and this sum to be disbursed under the direction of the Clerk of the House of Representatives upon contracts made by him with the lowest responsible bidders therefor, after due public notice given.

Of this appropriation of \$3,500 the Clerk of the House expended \$2,300 in erecting 20 cenotaphs at \$115 each, a copy of his report of the expenditure being as follows:

[1871, 42d Cong., 2d sess., Edward McPherson, Clerk. Mis. House Doc., No. 7.]

Paid to Richard Rothwell for erecting 20 cenotaphs in the Congressional Cemetery under contract with the Clerk of the House, pursuant to proposals (see sec. 4, act of July 15, 1870, making appropriations for sundry civil expenses), \$2,300.

EDWARD MCPHERSON,
Clerk House of Representatives.

On March 3, 1875 (18 Stat. L., 375), another appropriation was made of \$1,500 to enable the Clerk of the House to erect more cenotaphs. The item reads as follows:

To enable the Clerk of the House of Representatives to cause to be erected in the Congressional Cemetery monuments in memory of those Representatives who have died since the erection of those last authorized, said monuments to be of marble or granite and of uniform size and style with those previously erected, and to be contracted for by him with the lowest responsible bidder therefor, after due public notice, one thousand five hundred dollars, or so much thereof as may be necessary.

Acting under the authority thus given, the Clerk of the House, Edward McPherson, duly advertised for and received bids for cenotaphs. When the bids were opened it was found that the sum appropriated was insufficient to cover the expense of erecting the cenotaphs needed, and the appropriation was not used. The Clerk of the House submitted to the Speaker of the House a report December 6, 1875, showing the number of members for whom cenotaphs must be provided if the custom were adhered to, and the bids received under the notice given, which report is as follows (omitting, however, the copies of each bid which accompanied the report):

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES.

Washington, D. C., December 6, 1875.

SIR: The sundry civil appropriation act approved March 3, 1875, contains the following section:

"To enable the Clerk of the House of Representatives to cause to be erected in the Congressional Cemetery, monuments in memory of those Representatives who have died since the erection of those last authorized, said monuments to be of marble or granite, and of uniform size and style with those previously erected, and to be contracted for by him with the lowest responsible bidder therefor, after due public notice, one thousand five hundred dollars, or so much thereof as may be necessary."

Under this authority the undersigned invited proposals, on public notice, for the erection of these monuments. Twenty bids were received, the lowest of which was for \$164.50 each. As seventeen were at that date required, in order to fulfill the demands of the law, and as the appropriation was less than the amount bid for the work, no contract was made. The proposals, with a schedule of the same, are submitted herewith. The original estimate was made for monuments of the same material as existing monuments, which are of sandstone. The substitution by the House of the provision requiring that they be of marble or granite, without an increase of appropriation corresponding to the increased expensiveness of the new material, made the execution of the law impracticable.

The number of deceased Representatives by usage entitled to monuments and unprovided with them, including Representatives in the Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses, is at this date nineteen. For the convenience of the officer who may hereafter be charged with the duty of providing them, I inclose a list of them by Congresses and States, with the age of each and the date of death as far as ascertained.

Very respectfully, your obedient servant,

EDW. McPHERSON,

Clerk House of Representatives United States,

HON. MICHAEL C. KERR,

Speaker of the House of Representatives United States.

List of Representatives who have died during their term of service since the last provision for the erection of monuments.

FORTY-FIRST CONGRESS.

Iowa.—William Smyth, died September 30, 1870; 46 years old.
Virginia.—Robert Ridgway, died October 16, 1870; 47 years old.
North Carolina.—Robert Ballard Gilliam, died October 17, 1870; 65 years old.
Pennsylvania.—John Covode, died January 11, 1871; 62 years old.

FORTY-SECOND CONGRESS.

Louisiana.—James McCleery, died November 5, 1871.
Georgia.—Thomas J. Speer, died August 18, 1872; 34 years old.
Connecticut.—Julius L. Strong, died September 7, 1872; 43 years old.

FORTY-THIRD CONGRESS.

New York.—James Brooks, died May 1, 1873; 62 years old.
Michigan.—Wilder D. Foster, died September 20, 1873; 54 years old.
Louisiana.—Samuel Peters, died September 26, 1873.
New York.—David B. Mellish, died May 23, 1874; 43 years old.
Illinois.—John B. Rice, died December 17, 1874; 65 years old.
Maine.—Samuel F. Hersey, died February 3, 1875; 64 years old.
Massachusetts.—Alvah Crocker, died December 26, 1874; 63 years old. Samuel Hooper, died February 14, 1875; 67 years old.
Oregon.—Joseph G. Wilson, died July 2, 1873; 46 years old.
Massachusetts.—William Whiting, died June 30, 1873; 60 years old.

FORTY-FOURTH CONGRESS.

Massachusetts.—James Bullinton, died ——— 7, 1875; 58 years old.

Oregon.—George A. La Dow, died May 1, 1875.

Tennessee.—Samuel M. Fite, died October 23, 1875.

Schedule of proposals received for furnishing monuments for Congressional Cemetery, May 31, 1875.

Name of bidder.	Amount in granite.	Amount in marble.
Henry Parry	\$297.50	\$310.00
C. W. Burr	316.79	.....
J. R. Sands & Co.	309.08	.....
M. C. Flannerty	355.00	500.00
Alfred Morton	264.00	.....
Craig & Maxwell (not in accordance with advertisement) .....	.....	.....
R. & D. Rothwell	164.50	230.00
H. & S. H. Hartung (not in accordance with advertisement) .....	.....	.....
Jonas H. French	237.00	.....
William Gibson .....	.....	190.00
Fisher & Bird .....	.....	275.00
Acker & Co.	260.00	310.00
Mark & St. John .....	.....	375.00
Burlington Manufacturing Co. ....	.....	408.00
J. Jouvenal	345.00	374.00
Burns & Benner	421.47	381.00
William Bradley & Sons	190.00	210.00
Richmond Granite Co.	311.80	195.00
J. G. Goss	340.00	.....
A. P. Lathrop	274.75	.....

The appropriation of March 3, 1875, was the last to be made for the erection of cenotaphs. Prior thereto no actual burials by the Government had been ordered in the Congressional Cemetery for nearly twenty years, the appropriations for its benefit had ceased, and the custom of erecting cenotaphs was becoming too expensive to be maintained. The cemetery was gradually losing its semiofficial character of a Government institution.

Close attention had not been paid by either the cemetery or the United States authorities to the location of the burial sites owned by the Government. The certificate for the 500 sites purchased in 1856 had been issued by Mr. Jno. P. Ingle, then register of the vestry. At that time he had entire charge of the cemetery affairs. Unfortunately he did not keep a copy of the certificate for the 500 sites, and when his death occurred shortly after 1856 his successors in office knew their location only in a general way. Eighteenth street between E and G was supposed to contain all of the 1856 purchase and had been so held. It contained six ranges of sites, three east of the roadway and three west.

Those east of the roadway were 59, 60, and one unnumbered; those west were one unnumbered, 60, and 61. Range 58 (one of the ranges in which sites were transferred to the Government in 1856) was not in the street, but lay just east of range 59, and was vacant and in the name of the cemetery. Ranges 59 and 60, between E and G, were occupied by interments and cenotaphs of the Government, except 52 sites at the north end of the ranges, on which had been placed one of the cemetery buildings. The three ranges of sites west of the roadway were vacant. In each of ranges numbered 54, 55, 56, and 57 12 sites belonging to the cemetery (48 sites in all) had been used for Government purposes under the impression that they were Gov-

ernment property. Scattered through ranges 30, 31, 54, 55, and 56 there were 49 Government sites in which private persons appeared to have been buried. From the dates of interment and names of persons buried, however, it is probable that most of them belonged to the families of officials, and that their interment had been made by permission of the Government. In many instances they bear the names of former officials and, under the law, families of Members of Congress and officials were allowed interment in the Congressional Cemetery.

The following figures show how many of the sites had been used at that time in the foregoing manner:

By the Government—		
For burials and stones of Government	498	
Vacant, held for Government	205	
		703
By the cemetery—		
Vacant, in name of cemetery	120	
Occupied by cemetery buildings	52	
		172
Doubtful		49
Total		924
Sites outside Government ground used for Government purposes		48
Vacant sites held for Government in Eighteenth street (additional)		389
Total		437

In the month of May, 1876, Congress was agitating the question of discontinuing the custom of erecting cenotaphs for deceased Members of Congress, and this discussion brought up the question in the vestry of the location of Government sites and also of what Government officials were entitled under the law to burial in the Congressional Cemetery. A committee of the vestry was appointed to examine the question and decide.

May 9, 1876, the committee reported to the vestry, reviewing the proceedings of the vestry under which sites were donated to the Government, the laws and regulations governing the interment of deceased United States officials, and the various sums appropriated for the benefit of the cemetery by Congress. The committee in its report stated that the data necessary to locate accurately the Government sites was lacking, because of the death of Mr. Ingle and others who were conversant with the matter. They concluded, however, to set aside for the Government, under the 1856 purchase, the reserved portion of Eighteenth street, between E and G. This location of sites left vacant the one range, No. 58, and following this report of the committee it was never considered in connection with the Government sites.

As to what Government officials were entitled to burial in the cemetery, the committee recommended that the Government's orders for interments be recognized by the superintendent of the cemetery.

A copy of the report of the committee is as follows (omitting the review of laws and vestry records):

From the above it will be seen that in the act of 1848, which authorizes the inclosing of G street between Eighteenth and Nineteenth streets and also of Eighteenth and Nineteenth streets between E and G, there is no reservation of the ground in these streets for the uses of the Government, and the fact is that G street between Eighteenth and Nineteenth has been sold to private persons,

the same as other ground in the cemetery. In Eighteenth street between E and G there are six ranges of about 150 sites each, making 900 sites for the use of the Government there. As the act does not reserve this ground, it is presumed, though there is no accessible data to prove the fact, that this is the ground laid aside to comply with the act of 1856, appropriating \$5,000 for the purpose of building the iron railing in front of the cemetery.

In Nineteenth street between E and G there are three ranges of about 150 sites each that have not been sold, but kept apart as the other streets, although two ranges adjoining the original square and lying in the street have been disposed of to private parties. This addition to the cemetery was made after the decease of Mr. Ingle and other members of the old vestry who were conversant with the matter, and the exact state of affairs has not been transmitted to us. That this street was not inclosed under the act of 1858, that reserves the streets for the Government, is positive, and there is nothing to show that the Government has ever purchased it.

On the register at the cemetery these ranges are blank and not credited to the United States. Your committee are therefore of the opinion that the vestry may, if they feel so disposed, place these sites in the market and sell as other ground, though the matter should be fully considered before being so ordered, as it would destroy the uniform appearance of the cemetery by breaking the broad borders of turf that line the avenues on either side. It would also cut off from the street those owners who in good faith have purchased lots, as they supposed bordering on the street, and for which they have paid the highest price.

As to who shall be buried in the Government ground the title to these sites is positive, of part by purchase and of the balance by reservation. The vestry should be cautious in legislating, so as not to exclude any who might by any construction be entitled to the right of burial there. Of the right of Members of Congress there is no doubt, but who are officers of the Government, under a strict interpretation of the act of 1858, we are not able to determine. However, we think that only the higher officials are alluded to, as we find in one act "heads of Departments" mentioned, while in another it is left discretionary with the President to have buried those whom he shall deem it proper to allow.

The fact is, we find buried in this ground only Members of Congress and the highest officials and officers of the Army and Navy. We think the whole matter may be covered by instructing the superintendent of the cemetery to honor the orders of the President and commissioner of public buildings and of the Sergeant-at-Arms of the Senate and House of Representatives for the burial in the Government ground of deceased officials and Members of Congress.

Respectfully submitted.

WM. E. ROBERTS.

P. P. LITTLE.

WM. E. HUTCHINSON.

C. H. VENABLE.

Following the making of this report, the vestry passed the following resolution:

Resolved, That the superintendent of Washington Cemetery is hereby instructed to obey all orders from the President of the United States or commissioner of public buildings and grounds for the burial of deceased officials of the Government, and also all orders of the Sergeant-at-Arms of the Senate and House of Representatives for the burial of deceased members of their respective Houses of Congress.

Shortly after the making of this report Congress, by act of May 23, 1876, abolished the custom of erecting cenotaphs in the Congressional Cemetery and provided that monuments should be erected therein only when the deceased members were actually buried there. It was provided that the cost of such monuments should be paid out either from the contingent funds of the Senate or of the House, according to whichever the deceased may have belonged. The statute reads as follows:

AN ACT relating to interments in the Congressional Cemetery.

Be it enacted, etc., That hereafter whenever any deceased Senator or Member of the House of Representatives shall be actually interred in the Congressional Cemetery, so called, it shall be the duty of the Sergeant-at-Arms in case of a Senator and of the Sergeant-at-Arms of the House of Representatives in case of a member of the House to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are hereby directed and authorized to be supplied in like manner, and all laws upon the subject of monuments in the Congressional Cemetery are hereby repealed. (19 Stat. L., 54.)

Since the passage of the above act there have been but one or two burials in the Congressional Cemetery at the order of the Government, no appropriations have been made by Congress for its benefit, and the only cenotaphs erected have been for the omissions mentioned in the statute.

The names of deceased Representatives and Senators for whom cenotaphs have been erected by the Government are as follows, giving the name, State from which they come, if known, and date of death, if known (as shown by the register of the cemetery and the inscriptions on the monuments):

	State.	Died.
REPRESENTATIVES.		
John Q. Adams	Massachusetts	Feb. 23, 1848
John Millen	Georgia	Oct. 15, 1843
Orin Fowler	Massachusetts	Sept. 3, 1852
Herman A. Moore	Ohio	Apr. 3, 1844
Davis Dimock	Pennsylvania	Jan. 13, 1842
Henry Ness	do	Sept. 10, 1850
J. M. Harmanson	Louisiana	Oct. 25, 1850
Daniel P. King	Massachusetts	July 25, 1850
Gabriel Holmes	North Carolina	Recess, 1829
Charles Slade	Illinois	Recess, 1834
Henry Wilson	Pennsylvania	Recess, 1826
Benj. F. Deming	Vermont	Recess, 1834
John Coffee	Georgia	Recess, 1836
Lewis Williams	North Carolina	Feb. 25, 1842
Wm. S. Ramsey	Pennsylvania	Oct. 18, 1840
Alexander D. Simms	South Carolina	
Thomas L. Homer	Ohio	
Amos E. Wood	do	Nov. 19, 1850
Patrick Farrelly	Iowa	Jan. 12, 1826
John Linn	New Jersey	Jan. 19, 1828
Jacob Crowninshield	Massachusetts	Apr. 15, 1808
Peterson Goodwin	do	Feb. 21, 1818
Nathan Bryan	North Carolina	June 4, 1798
David Dickson	Mississippi	Recess, 1836
R. P. Henry	Kentucky	Recess, 1820
George L. Kinnard	Indiana	Nov. —, 1836
James Johnson	Kentucky	Recess, 1826
William S. Hastings	Massachusetts	June 17, 1842
Simeon H. Anderson	Kentucky	Aug. 11, 1840
Anson Brown	New York	June 14, 1840
James C. Alvord	Massachusetts	Sept. 30, 1839
John M. Holley	New York	
Rudolphus Dickinson	Ohio	Mar. —, 1849
Chester Butler	Pennsylvania	Oct. 5, 1850
Silas M. Burroughs	New York	June 3, 1860
William O. Goode	Virginia	
John Schwartz	do	June 20, 1860
Cyrus Spinck	Ohio	
T. L. Harris	Illinois	1858
John A. Quitman	Massachusetts	July 16, 1858
Samuel Brenton	Indiana	1857
James Lockhart	do	1856
John G. Montgomery	Pennsylvania	1857
John G. Miller	Missouri	1857
Preston S. Brooks	South Carolina	1857
Sampson W. Harris	Alabama	1857

	State.	Died.
REPRESENTATIVES—continued.		
Thomas H. Bayly.....	Virginia.....	
James Meacham.....	Vermont.....	Aug. 23, 1856
Presly Ewing.....	Kentucky.....	
John F. Snodgrass.....	Virginia.....	June 1854
Henry A. Muhlenberg.....	Pennsylvania.....	Jan. 1854
Brookings Campbell.....	Tennessee.....	Dec. 25, 1853
Robert Rantoul, jr.....	Massachusetts.....	Aug. 7, 1852
Truman Hoag.....	Ohio.....	Feb. 5, 1876
Thomas E. Noel.....	Missouri.....	Oct. 4, 1867
Cornelius S. Hamilton.....	Ohio.....	Dec. 21, 1867
David Heaton.....	North Carolina.....	June 25, 1870
Benjamin F. Hopkins.....	Wisconsin.....	Jan. 1, 1870
James Hinds.....	Arkansas.....	Oct. 22, 1868
Thaddeus Stevens.....	Pennsylvania.....	Aug. —, 1868
Elijah Hise.....	Kentucky.....	May 8, 1867
Darwin A. Pinney.....	Pennsylvania.....	Aug. 25, 1868
Charles Dennison.....	do.....	June 28, 1867
Philip Johnson.....	do.....	Feb. 1, 1867
Henry Grider.....	Kentucky.....	Sept. 7, 1866
James Humphrey.....	New York.....	June 10, 1866
Orlando Kellogg.....	do.....	Aug. 24, —
Owen Lovejoy.....	Illinois.....	Mar. 25, 1864
John W. Noell.....	Missouri.....	Mar. 14, 1862
Luther Hanchett.....	Wisconsin.....	Nov. 24, 1862
Goldsmith Bailey.....	Massachusetts.....	May 8, 1862
Thomas B. Cooper.....	Pennsylvania.....	Apr. 4, 1862
Geo. W. Scranton.....	do.....	Mar. 24, 1861
Jas. Gillespie.....	North Carolina.....	Jan. 10, 1805
SENATORS.		
Samuel L. Southard.....	New Jersey.....	June 26, 1842
Thaddeus Betts.....	Connecticut.....	Apr. —, 1840
Andrew P. Butler.....	North Carolina.....	May 25, 1857
Moses Norris.....	New Hampshire.....	Jan. 11, 1855
Thomas J. Rusk.....	Texas.....	July 29, 1857
Josiah L. Evans.....	South Carolina.....	May 6, 1858
James Bell.....	New Hampshire.....	May 26, 1857
Chester Ashley.....	Arkansas.....	Apr. 29, 1848
John G. Calhoun.....	South Carolina.....	Mar. 31, 1850
Henry Clay.....	Kentucky.....	June 29, 1852

One cenotaph unmarked.

The following is a list of references to statutes which have been passed relating to interments and monuments in the Congressional Cemetery:

Date.	Statutes at Large.	
	Vol.	Page.
March 3, 1823.....	3	777
July 14, 1832.....	4	580
June 30, 1834.....	4	722
July 15, 1870.....	16	309
March 3, 1875.....	18	375
May 23, 1876.....	19	54

The following is a table showing the sites in the Congressional Cemetery owned by the Government at the present time through donation, purchase, and exchange.

Range.	Numbers.	Aggregate sites.
24.....	1 to 4	4
25.....	1 to 8	8
29.....	9 to 74	66
30.....	9 to 17	9
30.....	21 to 74	54
31.....	6 to 8	3
31.....	19 to 74	56
54.....	103 to 152	50
55.....	103 to 152	50
56.....	103 to 152	50
57.....	103 to 152	50
58.....	31 to 98	68
59.....	101 to 152	52
59.....	31 to 98	68
59.....	101 to 152	52
60.....	31 to 98	68
60.....	101 to 152	52
61.....	54 to 98	45
61.....	116 to 152	37
62.....	54 to 98	45
62.....	116 to 152	37
Total.....		924

An examination of the books of the cemetery and the sites themselves show that they have been used as follows:

By the Government:

For burials and monuments.....	508
Vacant in name of Government.....	195
	<hr/> 703

By the cemetery:

Sold for private burials (range 58).....	104
Occupied by cemetery buildings and walk (58, 59, 60).....	68
	<hr/> 172

Sites in ground donated to the Government in name of private persons, but which may have been ordered there by Government, as the names in many instances are same as deceased members and officials.....	49
	<hr/>

Total.....	924
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As before stated the exact location of the Government sites in the 1856 purchase was not known, and when the committee appointed to find them decided in their opinion where they were they failed to locate them in accordance with the certificates themselves, placing them one range farther west than they should have done, and thus leaving range 58 in the name of the cemetery. One hundred and four sites therein have since been sold to private parties, and the other 16 Government sites lie in a path around the tool house. The committee actually reserved 749 sites for the Government in 1856. These sites are still reserved for the use of the Government, with the exception of 249 which are now occupied by footwalks which extend along Eighteenth street, between E and G on either side of the roadway. One hundred and forty are vacant and lie west of the footwalk at the north end of ranges 61 and 62, and the rest are included in the sites described in the certificate.

The books of the cemetery therefore show Government ground in the cemetery actually available or used for burial sites at the present time as follows:

In ground described in donation and purchase sites:

For Government burials and monuments.....	508
Vacant in name of Government.....	195

703

Sites outside the 924 donation and purchase sites used in erection of cenotaphs -----	48
Sites outside 924 donation and purchase sites vacant in name of Government -----	140
	<hr/> 891

If the 249 sites now occupied by footwalks are added to the above it shows a total of 1,140 sites in the name of the Government according to the cemetery books, or 216 more than the Government actually owns. Without the footwalk sites the total is 891, or 33 less than the number actually owned by the Government. The cemetery used 221 sites in Government ground through a mistake. They have credited 188 sites to the Government through a mistake, aside from the 249 reserved and now occupied by footwalks.

In explanation of the confusion in regard to sites the cemetery authorities show clearly that they were in no way acting in bad faith in the matter, but that any use of Government sites was made in the belief that they were cemetery property. June 11, 1906, Mr. A. W. Bright, chairman of the cemetery committee, set forth the reasons for the apparent discrepancy in the following letter:

WASHINGTON, D. C., June 11, 1906.

SIR: In reply to your oral inquiry for information as to the reason for the use by the vestry of Christ Church of burial sites purchased by the Government, I would state that I am hardly in a position to give you positive information on this subject. I have been connected with the vestry but slightly over a year, and what little I know of cemetery matters has been gained by me during that period of time. I have, however, been over the subject in question very carefully, and talked with older members of the parish relative to same, but as this purchase was consummated over fifty years ago there are none now living who has any positive knowledge of the facts, nor do the cemetery records show positively the location of all the sites so purchased.

The 500 sites purchased in 1856 were mainly in the reservations at the sides of the roadway on Eighteenth street, between E and G streets, and these sites so sold are in the name of the United States in the register of the cemetery. The right to occupy and sell grave sites in these reservations, as well as the reservations on Nineteenth street between E and G, and G street between Eighteenth and Nineteenth streets, was given to the cemetery by act of 1848.

The books of the vestry show that 500 sites were purchased, but their locations were not defined. In 1876 a committee of the vestry was appointed to locate these sites and they reported (I have not the report before me and can not get at it without delaying this, hence I shall have to give you the substance) that they had not been able to definitely locate them, but they believed them to be in the ranges in the reservations on both sides of Eighteenth street from E to G. At the present time there are two full ranges on the west side of Eighteenth street (of 150 sites each) and a third range taken up by a sidewalk, not a site of which has been sold or used for burial purposes, except to the United States. On the east side of Eighteenth street a tool house was erected many years ago, which is partly on ground in ranges now known as 58, 59, and 60 owned by the United States. Practically the balance of range 60 and the greater part of range 59 are filled with cenotaphs erected by the United States. Not a site in either of these two ranges has ever been used for any purpose except for the interment of Government officials, cenotaphs, and the sites covered by the tool house above referred to. Range 58 which the deed in the custody of the commissioner of public buildings and grounds shows was sold to the United States, has all been sold to and used by private parties. How this occurred, I am unable to state positively, but will give my impressions as to how this occurred later on.

Between ranges 60 and 61, on Eighteenth street between E and G streets, there are now two paved footwalks and a roadway, the latter nearly 17 feet wide, which, in my opinion, were originally ranges for grave sites.

The act of 1848 gave the owners of the cemetery the right to inclose and use for burial purposes the ground occupied by the roadway and footwalks. The roadway has, however, always been kept open as a driveway, and probably always will be.

If, therefore, I am correct in assuming that the footwalks were originally ranges intended for grave sites, this would leave three full ranges on the west of the roadway on Eighteenth street of 150 sites each and one on the east of the roadway of 97 sites at the disposal of the United States.

The sale to and use of range 58 by private parties was certainly done in ignorance of the fact that the ground was the property of the United States, and at this date, from the facts stated below, it looks as if the cemetery authorities had good reason to believe (in the absence of any record of the deed) that it was at their disposal to sell.

In range 58 not a site had been used by the Government, and as cenotaphs are on ranges 57 and 59, on both sides of range 58, I judge that the cemetery authorities years ago concluded that as parts of ranges 54, 55, 56, 57, and 60 were and had been used by the Government for years, that range 58, which was vacant, did not belong to the Government. If, however, the footwalks on Eighteenth between E and G were originally intended for ranges for grave sites (and the present superintendent concurs in my view that they were), there are about 294 sites in ranges 59, 60, and footwalk to the east of the roadway, and 54 sites in the three ranges to the west of the roadway, or a total of about 748 sites.

As stated above, in 1875 or 1876 a committee of the vestry attempted to locate the 500 sites purchased in 1856. They reported that they had been unable to locate them definitely, but were of the opinion that they were the ranges on both sides of the roadway on Eighteenth street between E and G. Seventy sites in range 61 and 70 sites in range 62 were deeded to the United States, but the books of the cemetery show that 150 sites in range 61 and 150 sites in range 62 are in the name of the United States, and I judge that after the examination by the committee above referred to, the additional sites in these ranges were put in the name of the United States and have so remained up to the present time. From this it will be seen that not counting a site in range 58, nor any of the sites in ranges 58, 59, and 60, which are occupied by the tool house, nor the two ranges taken up by the footwalks, there are 200 sites in ranges 59 and 60 owned by the United States and 300 in ranges 61 and 62, making a total of 500 sites set aside in the name of the United States under the purchase in 1856.

If we add to this number 152 sites on the west side of Eighteenth street between E and G now used as a footwalk and 97 sites on the east side of the same roadway now used as a footwalk, we have a total of 749 sites in the name of the United States in that portion of the cemetery containing the 500 purchased under the act of 1856.

In 1876, when the committee of the vestry made its report above referred to, it stated that ranges on the west side of Eighteenth street were probably the ones reserved for the United States. As range 63 (the next range to the west) was on the market and lots sold therein as early as 1855, which was prior to the purchase of the 500 sites by the United States, it naturally follows that said committee included the part now used as a paved footwalk as a part of the reservation.

In addition to the 500 sites above referred to, 400 sites had been previously donated by the vestry of Christ Church to the United States, making a total of 900 sites to be accounted for.

Of the 900 sites deeded to the Government, 508 have been used by the United States for interments or are occupied by cenotaphs; 195 are vacant and in the name of the United States, making a total of 703 sites. Two hundred and twenty-one have been used by the cemetery for buildings and private burials, which, added to the 703 above, make 924 sites.

It would appear from our books that an exchange of 24 sites was made between the vestry and the United States, but we have no record that any of the sites owned by the United States were returned to the vestry in exchange for the 24 sites deeded to the United States; hence a total of 924, or 24 over the number actually donated to and purchased by the United States.

The records also show that 48 sites owned by the cemetery have been used by the United States for burials and cenotaphs and 140 sites in ranges 61 and 62 (Eighteenth between E and G streets) are in the name of the United States, but are not named in the deed under the 1856 transfer, which, added to the 703

sites actually used by the United States for interments and cenotaphs and vacant in the name of the United States, makes a total of 891, or 9 less than the total donated and bought by the United States.

As stated above, in addition to these 891 sites accounted for, we have one range of 152 sites (foot walk on the west side of Eighteenth street between E and G) and one range of 97 sites (foot walk) on the east side of the same street, which the vestry has evidently (from the 1876 report, above referred to) considered to be a part of the 500 purchased in 1856. If these 249 sites now used as foot walks be added to the 891 sites accounted for, the total would be 1,140. The trouble has been that prior to the time your Mr. Morgan took this matter in hand the question has never been thoroughly investigated, and the vestry has simply assumed that all ground on the reservations on the east and west sides of Eighteenth street belonged to the Government and has so recorded it in their registers.

Any use of the ground bought by the Government was, I assure you, done in ignorance of the fact that the Government owned the ground, and the vestry stands ready and willing to transfer by deed a sufficient number of sites in the reservations on Eighteenth street between E and G to make up any deficiency that may be considered to exist.

Yours, very respectfully,

A. W. BRIGHT,

Chairman Cemetery Committee.

Hon. E. J. BURKETT,

United States Senate, City.

It is plain that the small deficiency in sites that may be said to exist was caused by a misunderstanding. Compared to the number of sites which the bill proposes to relinquish to the cemetery, the deficiency is so small that a transfer to cover it seems hardly necessary especially in view of the fact that the proposed legislation gives to the Government the right of burial in case it should desire to renew its use of the Congressional Cemetery.

PREVIOUS ATTEMPTS TO SECURE THIS LEGISLATION.

Bills similar to H. R. 5972 have been introduced hitherto in four Congresses, viz., the Fifty-first, Fifty-second, Fifty-third, and Fifty-fifth. After the introduction of the first bill various amendments were suggested and added to the succeeding bills, the most important of which are embodied in H. R. 5972. Two bills have hitherto passed the House, one in the Fifty-third Congress and one in the Fifty-fifth. Following is an account of the various attempts made to obtain the legislation now asked for:

(1) H. R. 11436, FIFTY-FIRST CONGRESS.

On July 17, 1890, H. R. 11436, "A bill granting parts of certain streets in Washington City to the vestry of Washington parish for the use of the Congressional Cemetery," was introduced in the House by Mr. Breckenridge, of Kentucky, read twice and referred to the Committee on the District of Columbia. January 31, 1891, the bill was reported back with amendments, accompanied by House Report No. 3645, recommending its passage. The bill was not reached, however, on the House Calendar.

House Report 3645 is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11436) granting parts of certain streets in Washington City to the vestry of Washington parish for the use of the Congressional Cemetery, have considered the same and report:

The cemetery is an outgrowth of the Washington Parish Burial Ground, which originally consisted of square 1115 in said city, which was purchased April 15, 1807, by a number of the inhabitants of the eastern portion of the city for the said parish, and conveyed to the vestry by certificate of Thomas Munroe, United States superintendent, dated March 25, 1808.

On April 15, 1816, the vestry donated and set apart 100 burial sites, free of charge, for the interment of Members of Congress, and the privilege of free interment was afterwards, April 3, 1826, extended to heads of Departments and their families, and on December 15, 1823, 300 more sites were donated in like manner to Members of Congress and others connected with the General Government. From these donations and its use in early days for interments of Congressmen and public officers it acquired the title of Congressional Cemetery.

The original square of 1115 answered for the needs of the parish and the Government until 1848, when an act of Congress was passed (July 25) authorizing the commissioner of public buildings to sell to the vestry public reservation 13, adjoining said square on the east, and giving the vestry authority to inclose, possess, and occupy the street between these two squares, and also, with the consent of the corporate authority of the city of Washington, to inclose, possess, and occupy so much of any street or streets as might pass between the said square 1115 and any other whole square of ground of which it might become the possessor, for the sole purpose of enlarging said burial ground, and giving it power to hold and enjoy forever any land which it might possess or purchase for the extension of the burial ground, not exceeding in all 30 acres, and to sell or otherwise dispose of said ground for burial purposes.

Under this act the vestry purchased, in addition to reservation 13 on the east, squares 1116 on the south and 1104 on the west, and by virtue of the provision allowing them to inclose, possess, and occupy the intervening streets it took possession of and laid off into burial sites and sold such sites along Eighteenth and Nineteenth streets from E to G, and G street from Eighteenth to Nineteenth. The vestry's ownership was afterwards recognized by the United States when, pursuant to act approved August 16, 1856, 500 burial lots were purchased from that body by the General Government along Eighteenth street from E to G.

In 1858—the vestry having in the meantime purchased four other squares, 1105, 1106, 1117, and 1123, being all the ground between G street and Water street and Seventeenth and Twentieth streets—an act of Congress was passed May 18 of that year authorizing the vestry to take, inclose, and use forever the inclosed streets, but providing that it should not sell the same for any purpose whatever, but that the United States should retain and hold such parts thereof as might be laid out for burial purposes for the interment of Members of Congress or such officers of the Government as might die in Washington.

The object of the proposed bill is in effect to repeal this proviso on certain conditions. These conditions are, substantially, that the vestry shall care for, protect, and preserve in good order the Government portion of the cemetery and the monuments, gravestones, and cenotaphs; that it shall preserve intact the avenues or drives now laid out solely to the improvement and adornment of the cemetery, and that should the United States at any time need more grave sites for the interment of its officers or Members of Congress it shall have the right to use any of the unsold sites for that purpose.

The United States has heretofore from time to time made appropriations in aid of the cemetery in the way of improvements and care of its property. A review of its various acts in that direction shows that the average cost to the Government has been \$500 a year. When the act of 1858 was passed there was then a custom, recognized by Congressional acts, to erect a cenotaph to each Senator or Representative dying during his term, regardless of where he was buried. This was not strictly within the terms of the vestry's donation, but was acquiesced in. The actual interments had at that date practically ceased, as the increased means of transportation allowed their families to carry out their natural wish to bury their remains at their homes; but for the erection of cenotaphs it was uncertain how much ground might be needed, hence the reservation or proviso made.

In 1876, however, an act was passed (May 23) directing, in substance, that no monument should be erected except where the deceased was actually buried in the cemetery. No burial has since taken place there, and very few, if any, are likely to. It is shown to the committee that the ground between E and G streets now owned by the Government, and which this act reserves to the Gov-

ernment, is sufficient to afford room for the erection of cenotaphs (should that practice be resumed) for seventy years to come, and for actual burials for an incalculable period.

Inasmuch as the Government is not at all likely to have need for any more ground, and its expenses in the repair and care of the Government property is to be under this act assumed by the vestry, whose annual receipts from sales of these sites will not be great, and their application is limited to cemetery purposes, we are of opinion that the bill should pass, amended by inserting in section 2, line 10, before the word "improvement," the word "care."

(2) H. R. 873 AND S. 2746, FIFTY-SECOND CONGRESS.

On January 7, 1892, H. R. 873, a bill "granting the use of parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery," was introduced in the House by Mr. Breckenridge, of Kentucky, read twice, and referred to the Committee on the District of Columbia. A request was made to the Commissioners of the District for their opinion on the bill, and in response thereto they replied March 15, 1892, stating that they had no objection to the general purpose of the bill, but recommended that it be amended so that upon the abandonment of the streets for cemetery purposes the title thereto should revert without cost to the United States.

A further opinion was sent by the Commissioners to the District Committee of the House on March 23, in which they suggested that the bill should be amended so as to provide for a right of way through the cemetery for an intercepting sewer.

There is no record of any further action on H. R. 873.

On March 28, 1892, S. 2746, a bill "granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery," was introduced in the Senate by Mr. Carlisle, and after two readings was referred to the Committee on the District of Columbia.

May 20, 1892, Mr. Faulkner, to whom the bill had been referred, made a verbal adverse report thereon and the bill was indefinitely postponed.

The only practical difference between S. 2746 and prior bills was that S. 2746 granted the "right to sell burial sites in streets," while prior bills granted the "right to the streets."

(3) H. R. 223 AND S. 2468, FIFTY-THIRD CONGRESS.

On September 6, 1893, H. R. 223, a bill identical in terms with S. 2746, was introduced in the House by Mr. Breckenridge, of Kentucky, and referred after two readings to the Committee on the District of Columbia. On reference of the bill to the District Commissioners certain amendments thereto were recommended which were adopted by the committee, and on July 9, 1894, Mr. Heard, of the District Committee, reported the bill favorably in House Report No. 1214.

January 18, 1895, in the third session of the Fifty-third Congress, the bill was discussed in the House, read the third time, and passed, and the concurrence of the Senate asked for on the following day.

S. 2468, a bill identical in terms with amended bill H. R. 223, as it passed the House, was meanwhile introduced in the Senate December 20, 1894, and reported favorably on January 18, 1895, with one minor amendment. Later, however, on January 25, 1895, the bill was recommitted to the committee, after which time there is no further record as to either S. 2468 or H. R. 223.

House Report No. 1214 reads as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 223) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery, have considered the same and report:

A bill similar to the first two sections was pending in the Fifty-first Congress and was favorably reported by the Committee on the District of Columbia to the House, but was not reached on the Calendar. The report (No. 3645, 2d sess. 51st Cong.) is quite lengthy, and gives a history of the Congressional Cemetery, showing that for more than seventy-five years the Congress had taken interest in it and made appropriations from time to time and granted the privilege of using the inclosed streets. In the early years of the century many Members of Congress and public officers were buried there in sites donated by the vestry, and until 1876 cenotaphs were erected to all Congressmen dying during their terms, although buried elsewhere. As a result the cemetery, although the private property of the vestry, came to be called in common parlance, as well as legislative acts, the Congressional Cemetery, and cenotaphs remain there as the property of the United States.

The parts of streets mentioned in the first two sections of the pending bill were granted to the vestry by act of May 18, 1858 (11 Stat. L., 289), to "take, inclose, and use forever," with a proviso, however, that the same should not be sold for any purpose, but that the United States should retain and hold such part thereof as might be laid out for burial purposes for the interment of Members of Congress or such officers of the Government as might die in Washington. The effect of the two sections referred to is to repeal this proviso and open the same to sale, as was the case in all the other parts of streets theretofore inclosed. The third section of the pending bill extends to certain other parts of streets when inclosed the provision of section 2 of the act of July 25, 1848 (9 Stat. L., 250), giving the vestry authority to inclose, possess, and occupy them with the consent of the municipal authorities. Certain conditions are annexed to these proposed grants to the vestry, the most important of which are that the proceeds of sales are to be devoted exclusively to cemetery purposes, the avenues or driveways to be preserved intact, the vestry to perpetually care for and protect and preserve in good order the Government ground, monuments, gravestones, and cenotaphs, and to grant permission to the District Commissioners to enter on the grounds and construct a sewer contemplated in the near future. One of the streets for a whole square is also reserved to the United States, having 500 grave sites.

Under present conditions and for the last twenty years the parts of streets have been useless to anybody. Congress having already granted the same to the vestry with the sole reservation of the right to use for official burial purposes, and such burials in that cemetery having ceased with the march of time and increased facilities of transportation, the Government has no more use for the ground. The driveways in the center are only 16 feet wide, while the streets are 80 and 100, so that there is imposed on the vestry the burden of keeping sodded and in good order a large quantity of idle ground. Moreover, the Government property must either go to decay or expenditures must be made from the public Treasury to keep it in good order. It thus appears that it is to the interest of all the three parties concerned—the United States, the District of Columbia, and the vestry—that the bill should pass. No street can be opened as long as the cemetery exists, and the bill provides that on its abandonment for cemetery purposes the streets shall revert to the United States.

The District Commissioners have approved the bill with certain amendments, and your committee recommend its passage amended as follows:

Section 3: Insert after the word "street," in line 7, the words "and south of E street south," and insert after the word "vestry," in line 8, the words: *Provided*, That said provision shall not apply to any part of the grounds attached to the Washington Asylum."

Section 4: Strike out all of line 1 and insert in lieu thereof the words "that

before any provision of this act concerning any public street or part thereof shall go into effect the said vestry."

Section 5, line 2: Strike out the words "the ownership" and insert in lieu thereof the words "all right to the use;" insert in line 3, after the word "revert," the words "without cost."

(4) H. R. 4101, FIFTY-FIFTH CONGRESS.

On December 6, 1897, H. R. 4101, a bill identical in terms with S. 2468 as reported, was introduced in the House and after two readings was referred to the Committee on the District of Columbia. On reference to the District Commissioners they recommended the passage of the bill, referring to their previous recommendations on H. R. 223.

February 9, 1898, Mr. Curtis, of Iowa, reported the bill back without amendment and recommended its passage. It was accompanied by the following House report (No. 413):

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4101) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery, have considered the same and recommend that it do pass without amendment.

The District Commissioners have recommended favorable action on this bill. It has twice been favorably reported by this committee and has once passed the House.

Attached hereto and made part hereof are copies of the two former favorable reports.

(House Reports No. 3645, 51st Cong., 2d sess., and No. 1214, 53d Cong., 2d sess., are then set forth in full.)

On February 14, 1898, the bill was read the third time in the House and passed, and on the following day laid before the Senate for reference.

After reaching the Senate Committee on the District of Columbia the bill was again referred to the District Commissioners for their opinion. Some opposition appeared to the bill, and the interested parties were given a hearing before the District Board, following which the Commissioners made an unfavorable report on H. R. 4101 to the District Committee. On April 21, 1898, Mr. McMillan, from the Senate Committee on the District of Columbia, submitted an adverse report on the bill (S. Report 941), which contained an account of the hearing before the District Board and the unfavorable report from the Commissioners. The bill was thereupon indefinitely postponed. Senate Report 941 reads as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 4101) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery, make an adverse report thereon.

At no distant day the lands proposed to be occupied for cemetery purposes must become streets in the city of Washington. Manifestly it would be absurd to give away property which in time must be recovered at a considerable expense, both of money and delay.

Secondly, lot owners in the Congressional Cemetery protest against such action as being calculated to deprive them of certain rights and privileges which they regarded as part consideration when they purchased burial sites.

Thirdly, it has been the policy of Congress to put a stop to additional burials within the city of Washington. That portion of the city in the neighborhood of the Congressional Cemetery is now suffering from the unhealthful influences of Anacostia flats, and the health of the city demands that no additional menace to the health of that section be authorized by Congress.

The adverse report of the Commissioners, together with other papers in the case, are given below.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 18, 1898.

DEAR SIR: The Commissioners of the District of Columbia respectfully submit their report upon Senate bill 4159, granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery.

Since the receipt of your communication of February 17, 1898, they have carefully considered the questions submitted to them by you, namely: First, "Whether it be wise to relinquish the rights to lands which will ultimately be needed for extension of city streets," and, second, "Whether it be wise to increase the area for burials within the city limits."

A public hearing to parties interested was had on March 16, 1898, at which hearing the promoters of this legislation were represented by O. B. Hallam, esq., the register of Washington parish, and the opposition by Mr. W. W. Eldridge. A copy of an extract from the board minutes as to the statements made by the said parties is herewith respectfully transmitted. Since the date of the said hearing Mr. Hallam has submitted to the Commissioners a communication, a copy of which is also transmitted, wherein he proposes certain amendments, one of which omits Eighteenth street from the purview of the bill. Nearly, if not all, of the protestants have lots upon Eighteenth street. He also submits an amendment providing that 25 per cent of the proceeds of the sales shall be set aside as a fund for the erection of a memorial chapel, etc.

The act approved May 18, 1858, referred to by Mr. Hallam in his communication, is as follows: (Act then set forth in full.)

It will be observed that Mr. Hallam claims that the Washington parish is forever to be protected against any street hereafter to be laid out or opened through the Washington Cemetery; but it will also be observed that the clause containing that provision was a part of the act of Congress which provided that the vestry should not sell for any purpose whatever any parts of streets named in said act and included within the grounds of the cemetery, but that the United States should retain and hold the same for the interments of Members of Congress or public officers who might die in Washington. It is not an unfair inference that the concession contained in section 2 was in consideration of the second provision, which this bill proposes to repeal.

The Commissioners deem your second question one of prime importance in this connection. They do not believe it advisable to increase the area for burials within the city limits. All cemeteries within the city limits should be in time removed therefrom, and it seems that a wise public policy would suggest that only the lots in the said cemetery should be used for burial purposes, and that the streets now exempt from burials other than for public servants should not be encroached upon.

While, therefore, the Commissioners recommended favorable action upon this bill to the House of Representatives, they are impelled to the belief, since a public hearing and since they have had time to give the matter more mature consideration, that the proposed legislation should not be enacted.

Very respectfully,

JOHN W. ROSS,

President Board of Commissioners, District of Columbia.

HON. JAMES McMILLAN,

Chairman Committee on the District of Columbia, United States Senate.

[Minutes of hearing on H. R. 4191.]

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, Wednesday, March 16, 1898.

The board met at 10.20 a. m.

Present: Commissioners Ross and Wright and Capt. Edward Burr, assistant to the Engineer Commissioner, acting as Commissioner in the absence of Commissioner Black.

Watson W. Eldridge, O. B. Hallam, et al. appeared relative to H. R. 4191, "granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery."

Mr. Eldridge opposed the bill on behalf of himself and Mrs. Mary Gunton Temple, Mrs. Emmerick, Stilson Hutchins, and others.

Mr. Eldridge said that the bill had been repeatedly introduced at the instance of the vestry of Washington parish in order to increase and perpetuate the profits it receives from Congressional Cemetery. He expressed the opinion that the cemetery should be turned over to the control of the lot owners. He said that the enactment of the bill would work serious injury to the owners of lots which faced on the principal avenues.

Mr. Hallam said the cemetery is the property of the vestry of Washington parish. He referred to House Report 413, Fifty-fifth Congress, second session, for a history of the development of this cemetery and its status.

Commissioner Ross inquired whether the ground is filled up so that they must have more space for interments.

Mr. Hallam replied that the main part of the ground is practically filled. He stated that he was willing to let Eighteenth street go through to the water, and, in response to a statement of Mr. Eldridge that the lot owners were the owners of nine-tenths of the cemetery, said that the cemetery management only sell the right for burial purposes and not the title to the ground.

Mr. Eldridge said: "I could get 500 petitioners against the bill."

True copy of portion of the minutes for above-mentioned date, relating to H. R. 4101.

CLIFFORD HOWARD, *Acting Secretary*.

[Letter from O. B. Hallam, register of Washington Parish, to Hon. John W. Ross, President Board of District Commissioners.]

WASHINGTON, D. C., *March 17, 1898.*

SIR: In connection with the letter of Senator McMillan to you of the 17th ultimo concerning House bill 4101 (Congressional Cemetery) I wish to epitomize my oral suggestions made yesterday.

1. As to lot owners I herewith inclose form of certificate, from which it appears that the title does not pass to the purchaser or so-called lot owner, but merely the right to use the burial sites, subject to all rules then or thereafter to be made; that it contains no agreement except to provide a care fund, which has long since been done.

In the interest of harmony, however, I submit to you an amendment striking out "Eighteenth" from the proposed bill, which will have the effect of leaving all the few protesting lot owners in their present status and preserving an open grand avenue, so to speak, from the cemetery gate to the south side of the cemetery.

2. As to the rights to ultimately extend the streets, I call your attention to the fact that section 2 of the act of May 18, 1858, referred to in the pending bill, says absolutely "that no canal, railroad, street, or alley shall ever be laid out or opened into or through the Washington cemetery, except such avenues or walks as may be laid out by the vestry of Washington parish for the use and purpose of said cemetery," and the United States, by that act, has already given irrevocably to the vestry all the right to the inclosed streets, except the right of burial therein, which was reserved to the United States under the then idea that the ground might be needed for official burials, but which, after forty years' experience, seems to be wholly useless. As no street can be opened so long as the cemetery exists, the pending bill (sec. 5) very wisely provides that upon its abandonment all right to the use of the streets shall revert to the United States without cost.

3. As to the wisdom of increasing within the city limits the area for burial purposes, I suggest that it is not proposed to extend the cemetery limits, but merely to utilize for other parties present scattered ground within the present limits, which the Government already has the right to use for burial purposes. As to the Washington Asylum, none of it is nearer than several hundred feet therefrom, and none so near as much ground already owned by the vestry where burials can be and are constantly being made.

I suggested also yesterday that one of the main objects in utilizing these sites was to enable the vestry to build a much-needed chapel. To set this forth clearly and to satisfy any possible objection on the part of the lot owners I submit herewith another amendment, providing for the raising of a fund for this purpose, under the control of your honorable board.

With the two amendments proposed I am convinced that the few protesters will raise no further objections and that the proposed bill will not only be unobjectionable to but gladly welcomed by practically all the lot owners.

O. B. HALLAM,

Register Washington Parish.

Hon. JOHN W. ROSS,

President Board of District Commissioners.

AMENDMENTS RECOMMENDED TO HOUSE BILL 4101.

In first section of bill strike out the words "Those parts of Eighteenth and Nineteenth streets" and insert "that part of Nineteenth street."

Add to section 2 the following additional proviso:

"*Provided also*, That twenty-five per centum of the proceeds of such sales shall be set aside as a fund for the erection, at or near the present location of the fountain, of a memorial chapel for the holding of memorial services on Decoration Day and such other memorial or funeral services as may be desired by the relatives or friends of any person buried or about to be buried in said cemetery: the vestry to make a semiannual report of such sales to the Commissioners of the District and to deposit or invest said twenty-five per centum under the directions of said Commissioners until a fund sufficient to erect a suitable chapel is thus raised, when the same shall be erected under their direction."

[Letter of protest to Hon. James McMillan, chairman Committee on District of Columbia, United States Senate, from W. W. Eldridge.]

WASHINGTON, February 17, 1898.

SIR: I respectfully call your attention to House bill No. 4101, recently passed by the House and now before your committee. This bill gives to Washington parish valuable streets now belonging to the District, and, moreover, if passed will destroy the beauty of the Congressional Cemetery. There is a protest on file in both Houses from some of the best citizens of Washington against this action. I hope you will reject it. I invite your attention to inclosed newspaper article published when the same matter was killed by your committee two years ago.

Very respectfully,

W. W. ELDRIDGE.

Hon. JAMES McMILLAN,

Chairman Committee on District of Columbia, United States Senate.

[From the Washington Star.]

CONGRESSIONAL CEMETERY—A BILL THAT HAS EXCITED CONSIDERABLE OPPOSITION TO ITS PASSAGE—FORMER BILLS OF A SIMILAR CHARACTER HAVE FAILED OF ACTION—SOME OF THE OBJECTIONS URGED.

An impression has gone abroad that the Senate has passed the House bill granting the Washington parish the right to sell certain burial lots in the Congressional Cemetery. The House bill was passed on Friday, and when it reached the Senate it was referred to the District Committee. On Friday the Senate District Committee reported favorably on an exactly similar bill with an amendment, which went to the calendar. Therefore no action has yet been had that would send the bill to the President, as some people have been led to believe. It is suggested that before the bill is disposed of in the Senate there will be a little more investigation into its merits than has been given up to now. The bill is practically the same as one that was introduced in 1892, which was postponed indefinitely on the strength of an adverse report from the Senate District Committee.

A CITIZEN'S PROTEST.

That report was caused largely by a protest that was received in April of that year from certain persons owning lots in the cemetery, who set forth a case as follows:

"The occupation of these avenues for burial purposes would, in our opinion, greatly detract from the natural beauty and desirability of the cemetery as a resting place for the dead, and would be an injustice to those who have bought lots therein under the belief that it would be perpetuated by Congress in its present condition. We believe that there is no necessity for granting these avenues for burial sites, as there is a large tract of land adjoining the cemetery which can, no doubt, be obtained for the purpose, and the saving of a few dollars to the parish is a small consideration when compared to the injury that the passage of this bill will do to the cemetery."

This protest was signed by W. W. Eldridge, Mary Gunton Temple, H. H. Cortis, Catherine C. Emmerich, H. O. Simons, Mary E. Emmerich, E. F. French, L. G. Meehan, M. E. Twitchell, Isaac H. Entwisle, Eunice E. Pritchard, M. L. Simpson, and Stilson Hutchins.

The avenues alluded to in this protest are certain streets that now abut the property of the cemetery which have never been extended to the Eastern Branch. The main one of these streets is G, which is quite the thoroughfare of that immediate section. It is extended to the river beyond the cemetery. It is said that the original purchasers of lots in the cemetery were promised that no effort would ever be made to secure the land that would be used in the extension of these streets. The contention of the lot owners who protest is that by increasing the number of lots immediately around theirs, in violation of this agreement, the value of their lots is correspondingly decreased.

ANOTHER OBJECTION.

There is another objection, however, that is being urged against the bill, based upon the idea that the tendency of to-day should be to diminish the number and size of cemeteries within the city limits. At present, of course, there is little or no pressure for building sites in the vicinity of the Congressional Cemetery, but it is argued that within a few years it will be found desirable to remove the cemetery to a point across the river, or to extend certain of the streets through it. The experience of the District in the condemnation of land necessary for the extension of North Capitol street to the Soldiers' Home is being quoted as a reason why no further obstacles should be laid in the way of these general street extensions. It will be remembered that in the case of North Capitol street there was great difficulty owing to the uncertain nature of the values of the land comprising the German cemetery, through a portion of which the street would pass.

The present bill (H. R. 5972) was introduced in the House by Mr. Allen, of Maine, on December 11, 1905, and after two readings was referred to the Committee on the District of Columbia. The opinion of the Commissioners of the District was asked for on the bill, and under date of January 2, 1906, they submitted to the committee the following favorable report thereon:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA.

Washington, January 2, 1906.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on H. R. 5972, Fifty-ninth Congress, first session, "Granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery," which you referred to them for examination and report.

A plat is inclosed showing the Congressional Cemetery and the streets which have been inclosed and included within the limits of the cemetery. A bill similar to the one under consideration was introduced in the Fifty-fifth Congress (H. R. 4101). It passed the House, but the Commissioners made an unfavorable report upon the same to the Senate, a copy of which is inclosed. The only legislation which it is known affects the question since that report was made is an act of Congress approved January 25, 1898, entitled "An act for the regulation of cemeteries and the disposal of dead bodies in the

District of Columbia." The first provision of this act prohibits the laying out of any new cemetery or part of a cemetery within the city of Washington, or within the District of Columbia within one mile and a half of the boundaries of the city, and also prohibits any cemetery being laid out within less than 200 yards of any dwelling except with the consent of the property owners and a permit from the Commissioners.

The first act of Congress on this subject was approved July 25, 1848.

By a subsequent act of Congress, approved May 18, 1858, the vestry of Washington parish was authorized, with the consent of the corporation of the city of Washington, to inclose parts of streets in question for the purpose of enlarging the cemetery, but were not authorized to sell such parts of streets which were reserved in said act for the interment of Members of Congress and such officers of the Government as might die in Washington.

The present bill repeals this provision on the ground that such portions of the street have been used to but a slight extent for such purpose, and in all probability will not be again used for that purpose, and consequently it turns over to the vestry of Washington parish the right to sell for burial sites all those parts of Eighteenth and Nineteenth streets east which lie between the north side of G street and the north side of Water street and those parts of south G street and south H street which lie between Seventeenth and Twentieth street, excepting the existing roadways within the lines of said streets which are 16 feet in width.

The bill also provides that the proceeds of the sale of the lots within these streets shall be devoted solely to caring for and improving the cemetery; that a certain number of cenotaphs, approximating 175 in number, and marking reservations for official dead that have never been interred in the cemetery, may be removed and the space disposed of as the vestry sees fit. The bill further perpetuates and extends the act of Congress approved in 1848 authorizing the abandonment by the United States in perpetuity of all such areas as are included between any whole blocks which may be purchased by the vestry for cemetery purposes, the said public space abandoned to be utilized by the cemetery. This would include at present Twentieth and Twenty-first streets SE. between G and H streets, the blocks adjacent having been purchased for cemetery purposes. And the bill also provides that on the abandonment of the cemetery for cemetery purposes the right to the use of the street shall revert to the United States.

The result of the bill would be to turn over to the vestry of Washington parish burial sites to the number of about 2,000, which could be sold by the cemetery at prices varying from \$12 to \$40 each.

The act of Congress of 1848 limited the size of the cemetery to 30 acres. This act, including streets, would make it 31.68 acres.

As the streets now inclosed within the cemetery do not appear to be public highways, the passage of the proposed legislation would not change their character. Access to the small amount of private property lying east of the cemetery can be kept open by Water street, as shown on the map in yellow. To do this, however, would require an amendment of the bill to provide that H street east of the west line of Water street should be entirely abandoned by the cemetery for cemetery purposes to use by the public as a public highway.

If the bill is passed, the word "Commissioner," in line 9 of page 3, should be stricken out and in lieu thereof the word "superintendent" should be inserted, as the title of the officer referred to should be "superintendent of public buildings and grounds," which is the proper title. Also the word "District," in line 13 of page 3, should be stricken out. A proviso should also be added at the end of section 4 to read as follows: "and for the purpose of locating and maintaining any public sewer or water main within the limits of the streets herein named." This latter proviso is for the purpose of maintaining a right of way through said streets should it be necessary at any time to furnish sewerage and water facilities to property lying east of the cemetery.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners, District of Columbia.

Hon. J. W. BARCOCK,

Chairman Committee on District of Columbia, House of Representatives.

On March 12, 1906, the bill was reported with amendments (H. Rept. No. 2223), as suggested by the letter of the Commissioners of

January 2, and on March 26 the amendments were agreed to and the bill passed the House.

The accompanying report, No. 2223, is as follows (omitting copies of the Commissioners' letter and former House reports, Nos. 3645 and 1214, which have been heretofore set forth) :

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5972) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish, for the benefit of the Congressional Cemetery, report the same back to the House with the recommendation that it do pass when amended as follows:

Page 3, line 9, strike out the word "Commissioner" and insert the word "superintendent."

Page 3, line 13, strike out the word "District."

Page 3, line 17, strike out the period and insert a comma and add the following: " and for the purpose of locating and maintaining any public sewer or water main within the limits of the streets herein named."

The purpose of the proposed legislation is to permit the vestry of Washington parish to utilize and to dispose of as burial sites portions of G and H streets and also of Eighteenth and Nineteenth streets SE., which are located within the limits of the Congressional Cemetery. Under present conditions and for the last thirty years the parts of streets to be utilized for burial sites have been useless, and the burden and expense of keeping this idle ground sodded and in good repair has fallen upon the vestry. Congress has previously granted these streets to the vestry, requiring only that the driveways in the center should be kept open. These driveways are 16 feet wide and ample for such purposes, while the streets themselves are from 80 to 100 feet in width. Inasmuch as the vestry has but a very limited number of lots now available for burial purposes, it would seem but proper that they should be permitted to utilize for burial sites such portions of the streets named as are not necessary for driveway purposes, the proposed legislation providing specifically that the funds derived from the sale of such lots shall be devoted solely to the purpose of caring for and improving said cemetery.

Your committee is informed by the superintendent of the cemetery that there are within its limits 176 cenotaphs, 100 of which were erected in memory of deceased Government officials whose bodies are interred elsewhere, and 76 either erected over graves containing the remains of Members of Congress or other Government officials or of which no definite record exists. The bill provides that the latter 76 cenotaphs shall not in any way be disturbed, but that the cenotaphs under which it is positively known that no remains were interred, and which are in a crumbling and dilapidated condition, may be removed at the expense of said vestry.

The act of May 23, 1876, provided that thereafter no monuments should be erected except where the deceased is actually buried in said cemetery, and your committee is informed that no burial of a Member of Congress has since taken place there. However, the proposed legislation expressly reserves the privilege to the Government of hereafter burying deceased Members of Congress and Government officers in said cemetery.

Provision is also made that the Commissioners of the District of Columbia shall have the right to enter upon the grounds of the cemetery for the maintenance and repair of public sewers through said cemetery and for locating and maintaining water mains or public sewers therein at any time in the future.

Section 5 of the reported bill provides that on the abandonment of this cemetery for cemetery purposes all the rights to the use of the streets heretofore mentioned shall revert to the United States without cost.

(A copy of the letter of the Commissioners of January 2, 1906, and of House Reports Nos. 3645 and 1214 are then set forth in full.)

BURIAL SITES IN CONGRESSIONAL CEMETERY.

MARCH 12, 1906.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

MR. SAMUEL W. SMITH, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 5972.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5972) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery, report the same back to the House with the recommendation that it do pass when amended as follows:

Page 3, line 9, strike out the word "commissioner" and insert the word "superintendent."

Page 3, line 13, strike out the word "District."

Page 3, line 17, strike out the period and insert a comma and add the following: "and for the purpose of locating and maintaining any public sewer or water main within the limits of the streets herein named."

The purpose of the proposed legislation is to permit the vestry of Washington Parish to utilize and to dispose of as burial sites portions of G and H streets and also of Eighteenth and Nineteenth streets SE. which are located within the limits of the Congressional Cemetery. Under present conditions and for the last thirty years the parts of streets to be utilized for burial sites have been useless, and the burden and expense of keeping this idle ground sodded and in good repair has fallen upon the vestry. Congress has previously granted these streets to the vestry, requiring only that the driveways in the center should be kept open. These driveways are 16 feet wide and ample for such purposes, while the streets themselves are from 80 to 100 feet in width. Inasmuch as the vestry has but a very limited number of lots now available for burial purposes, it would seem but proper that they should be permitted to utilize for burial sites such portions of the streets named as are not necessary for driveway purposes, the proposed legislation providing specifically that the funds derived from

the sale of such lots shall be devoted solely to the purpose of caring for and improving said cemetery.

Your committee is informed by the superintendent of the cemetery that there are within its limits 176 cenotaphs, 100 of which were erected in memory of deceased Government officials whose bodies are interred elsewhere, and 76 either erected over graves containing the remains of members of Congress or other Government officials or of which no definite record exists. The bill provides that the latter 76 cenotaphs shall not in any way be disturbed, but that the cenotaphs under which it is positively known that no remains were interred, and which are in a crumbling and dilapidated condition, may be removed at the expense of said vestry.

The act of May 23, 1876, provided that thereafter no monuments should be erected except where the deceased is actually buried in said cemetery, and your committee is informed that no burial of a member of Congress has since taken place there. However, the proposed legislation expressly reserves the privilege to the Government of hereafter burying deceased members of Congress and Government officers in said cemetery.

Provision is also made that the Commissioners of the District of Columbia shall have the right to enter upon the grounds of the cemetery for the maintenance and repair of public sewers through said cemetery and for locating and maintaining water mains or public sewers therein at any time in the future.

Section 5 of the reported bill provides that on the abandonment of this cemetery for cemetery purposes all the rights to the use of the streets heretofore mentioned shall revert to the United States without cost.

The amendments reported by your committee are made at the suggestion of the Commissioners of the District of Columbia, whose report upon H. R. 5972 is as follows:

OFFICE COMMISSIONERS DISTRICT OF COLUMBIA,
Washington, January 2, 1906.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on H. R. 5972, Fifty-ninth Congress, first session, "Granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington Parish for the benefit of the Congressional Cemetery," which you referred to them for examination and report:

A plat is inclosed showing the Congressional Cemetery and the streets which have been inclosed and included within the limits of the cemetery. A bill similar to the one under consideration was introduced in the Fifty-fifth Congress (H. R. 4101). It passed the House, but the Commissioners made an unfavorable report upon the same to the Senate, a copy of which is inclosed. The only legislation which it is known affects the question since that report was made is an act of Congress approved January 25, 1898, entitled "An act for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia." The first provision of this act prohibits the laying out of any new cemetery or part of a cemetery within the city of Washington, or within the District of Columbia within one mile and a half of the boundaries of the city, and also prohibits any cemetery being laid out within less than 200 yards of any dwelling except with consent of the property and a permit from the Commissioners.

The first act of Congress on this subject was approved July 25, 1848.

By a subsequent act of Congress, approved May 18, 1858, the vestry of Washington Parish was authorized, with the consent of the corporation of the city of Washington, to inclose parts of streets in question for the purpose of enlarging the cemetery, but were not authorized to sell such parts of streets which were reserved in said act for the interment of members of Congress and such officers of the Government as might die in Washington.

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The present bill repeals this provision on the ground that such portions of the street have been used to but a slight extent for such purpose, and in all probability will not be again used for that purpose, and consequently it turns over to the vestry of Washington Parish the right to sell for burial sites all those parts of Eighteenth and Nineteenth streets east which lie between the north side of G street and the north side of Water street, and those parts of south G street and south H street which lie between Seventeenth and Twentieth streets, except the existing roadways within the lines of said streets which are 16 feet in width.

The bill also provides that the proceeds of the sale of the lots within these streets shall be devoted solely to caring for and improving the cemetery; that a certain number of cenotaphs, approximating 175 in number, and marking reservations for official dead that have never been interred in the cemetery, may be removed and the space disposed of as the vestry sees fit. The bill further perpetuates and extends the act of Congress approved in 1848 authorizing the abandonment by the United States in perpetuity of all such areas as are included between any whole blocks which may be purchased by the vestry for cemetery purposes, the said public space abandoned to be utilized by the cemetery. This would include at present Twentieth and Twenty-first streets SE. between G and H streets, the blocks adjacent having been purchased for cemetery purposes; and the bill also provides that on the abandonment of the cemetery for cemetery purposes the right to the use of the street shall revert to the United States.

The result of the bill would be turn over to the vestry of Washington parish burial sites to the number of about 2,000 which could be sold by the cemetery at prices varying from \$12 to \$40 each.

The act of Congress of 1848 limited the size of the cemetery to 30 acres. This act, including streets, would make it 31.68 acres.

As the streets now inclosed within the cemetery do not appear to be public highways, the passage of the proposed legislation would not change their character. Access to the small amount of private property lying east of the cemetery can be kept open by Water street, as shown on the map in yellow. To do this, however, would require an amendment of the bill to provide that H street east of the west line of Water street should be entirely abandoned by the cemetery for cemetery purposes to use by the public as a public highway.

If the bill is passed the word "Commissioner," in line 9 of page 3, should be stricken out and in lieu thereof the word "Superintendent" should be inserted, as the title of the officer referred to should be "Superintendent of Public Buildings and Grounds," which is the proper title. Also the word "District," in line 13 of page 3, should be stricken out. A proviso should also be added at the end of section 4 to read as follows: "and for the purpose of locating and maintaining any public sewer or water main within the limits of the streets herein named." This latter proviso is for the purpose of maintaining a right of way through said streets should it be necessary at any time to furnish sewerage and water facilities to property lying east of the cemetery.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,

Chairman Committee on District of Columbia, House of Representatives.

Your committee incorporates in this report two reports made in the Fifty-first and Fifty-third Congresses on a similar measure, which give a history of the cemetery:

[House Report No. 3645, Fifty-first Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 11436) granting parts of certain streets in Washington City to the vestry of Washington Parish for the use of the Congressional Cemetery, have considered the same and report:

The cemetery is an outgrowth of the Washington Parish Burial Ground, which originally consisted of square 1115 in said city, which was purchased April 15, 1807, by a number of the inhabitants of the eastern portion of the city for the said parish, and conveyed to the vestry by certificates of Thomas Monroe, United States superintendent, dated March 25, 1808.

On April 15, 1816, the vestry donated and set apart 100 burial sites, free of charge, for the interment of members of Congress, and the privilege of free interment was afterwards, April 3, 1820, extended to heads of Departments and their families, and on December 15, 1823, 300 more sites were donated in like manner to members of

Congress and others connected with the General Government. From these donations and its use in early days for interments of Congressmen and public officers it acquired the title of Congressional Cemetery.

The original square 1115 answered for the needs of the parish and the Government until 1848, when an act of Congress was passed, July 25, authorizing the commissioner of public buildings to sell to the vestry public reservation 13, adjoining said square on the east, and giving the vestry authority to inclose, possess, and occupy the street between these two squares, and also, with the consent of the corporate authority of the city of Washington, to inclose, possess, and occupy so much of any street or streets as might pass between the said square 1115 and any other whole square of ground of which it might become the possessor, for the sole purpose of enlarging said burial ground and giving it power to hold and enjoy forever any land which it might possess or purchase for the extension of the burial ground, not exceeding in all 30 acres, and to sell or otherwise dispose of said ground for burial purposes.

Under this act the vestry purchased, in addition to reservation 13 on the east, square 1116 on the south and 1104 on the west, and by virtue of the provision allowing them to inclose, possess, and occupy the intervening streets, it took possession of and laid off into burial sites and sold such sites along Eighteenth and Nineteenth streets from E to G, and G street from Eighteenth to Nineteenth. The vestry's ownership was afterwards recognized by the United States, when, pursuant to act approved August 16, 1856, 500 burial lots were purchased from that body by the General Government along Eighteenth street from E to G.

In 1858—the vestry having in the meantime purchased four other squares, 1105, 1106, 1117, and 1123, being all the ground between G street and Water street, and Seventeenth and Twentieth streets—an act of Congress was passed May 18 of that year authorizing the vestry to take, inclose, and use forever the inclosed streets, but providing that it should not sell the same for any purpose whatever, but that the United States should retain and hold such parts thereof as might be laid out for burial purposes for the interment of members of Congress or such officers of the Government as might die in Washington.

The object of the proposed bill is, in effect, to repeal this proviso on certain conditions. These conditions are substantially that the vestry shall care for, protect, and preserve in good order the Government portion of the cemetery and the monuments, gravestones, and cenotaphs; that it shall preserve intact the avenues or drives now laid out along said parts of streets; that the proceeds of sales shall be devoted solely to the improvement and adornment of the cemetery, and that should the United States at any time need more grave sites for the interment of its officers or members of Congress it shall have the right to use any of the unsold sites for that purpose.

The United States has heretofore, from time to time, made appropriations in aid of the cemetery in the way of improvements and care of its property. A review of its various acts in that direction shows that the average cost to the Government has been \$500 a year. When the act of 1858 was passed there was then a custom, recognized by Congressional acts, to erect a cenotaph to each Senator or Representative dying during his term, regardless of where he was buried. This was not strictly within the terms of the vestry's donation, but was acquiesced in. The actual interments had at that date practically ceased, as the increased means of transportation allowed their families to carry out their natural wish to bury their remains at their homes; but for the erection of cenotaphs it was uncertain how much ground might be needed, hence the reservation or proviso made.

In 1876, however, an act was passed (May 23) directing in substance that no monument should be erected, except where the deceased was actually buried in the cemetery. No burial has since taken place there, and very few, if any, are likely to. It is shown to the committee that the ground between E and G streets now owned by the Government, and which this act reserves to the Government, is sufficient to afford room for the erection of cenotaphs (should that practice be resumed) for seventy years to come, and for actual burials for an incalculable period.

Inasmuch as the Government is not at all likely to have need for any more ground, and its expenses in the repair and care of the Government property is to be under this act assumed by the vestry, whose annual receipts from sales of these sites will not be great, and their application is limited to cemetery purposes, we are of opinion that the bill should pass, amended by inserting in section 2, line 10, before the word "improvement," the word "care."

[House Report No. 1214, Fifty-third Congress, second session.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 223) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery, have considered the same and report:

A bill similar to the first two sections was pending in the Fifty-first Congress, and was favorably reported by the Committee on the District of Columbia to the House, but was not reached on the Calendar. The report (No. 3645, second session Fifty-first Congress) is quite lengthy and gives a history of the Congressional Cemetery, showing that for more than seventy-five years the Congress had taken interest in it and made appropriations from time to time and granted the privilege of using the inclosed streets. In the early years of the century many members of Congress and public officers were buried there in sites donated by the vestry, and until 1876 cenotaphs were erected to all Congressmen dying during their terms, although buried elsewhere. As a result the cemetery, although the private property of the vestry, came to be called in common parlance, as well as legislative acts, the Congressional Cemetery, and cenotaphs remain there as the property of the United States.

The parts of streets mentioned in the first two sections of the pending bill were granted to the vestry by act of May 18, 1858 (11 Stat. L., 289), to "take, inclose, and use forever," with a proviso, however, that the same should not be sold for any purpose, but that the United States should retain and hold such part thereof as might be laid out for burial purposes for the interment of members of Congress or such officers of the Government as might die in Washington. The effect of the two sections referred to is to repeal this proviso and open the same to sale, as was the case in all the other parts of streets theretofore inclosed. The third section of the pending bill extends to certain other parts of streets when inclosed, the provision of section 2 of the act of July 25, 1848 (9 Stat. L., 250), giving the vestry authority to inclose, possess, and occupy them with the consent of the municipal authorities. Certain conditions are annexed to these proposed grants to the vestry, the most important of which are that the proceeds of sales are to be devoted exclusively to cemetery purposes, the avenues or driveways to be preserved intact, the vestry to perpetually care for and protect and preserve in good order the Government ground, monuments, gravestones, and cenotaphs, and to grant permission to the District Commissioners to enter on the grounds and construct a sewer contemplated in the near future. One of the streets for a whole square is also reserved to the United States, having 500 grave sites.

Under present conditions and for the last twenty years the parts of streets have been useless to anybody. Congress having already granted the same to the vestry with the sole reservation of the right to use for official burial purposes, and such burials in that cemetery having ceased with the march of time and increased facilities of transportation, the Government has no more use for the ground. The driveways in the center are only 16 feet wide, while the streets are 80 and 100, so that there is imposed on the vestry the burden of keeping sodded and in good order a large quantity of idle ground. Moreover, the Government property must either go to decay or expenditures must be made from the public Treasury to keep it in good order. It thus appears that it is to the interest of all the three parties concerned—the United States, the District of Columbia, and the vestry—that the bill should pass. No street can be opened as long as the cemetery exists, and the bill provides that on its abandonment for cemetery purposes the streets shall revert to the United States.

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